

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-020493

05/11/2004

HON. FRANK T. GALATI

CLERK OF THE COURT  
L. Muhammad  
Deputy

FILED: 05/14/2004

VINCENT A LAMACCHIA

DAVID R BAKER

v.

LORRIE R POPE, et al.

JOE D DOBBINS JR.

JEFFREY R HOVIK  
SHANNON M IVANYI  
RICHARD V MACK  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**MINUTE ENTRY**

IN CHAMBERS

9:15 a.m. This is the time set for telephonic Rule 16 comprehensive pretrial conference re appeal from arbitration. Plaintiff Vincent A. Lamacchia is telephonically represented by counsel David R. Baker. Defendants Bubier and Chase McMillin Appraisal, Inc. are telephonically represented by counsel Jeffrey R. Hovik.

A court reporter is not present.

Court and counsel discuss the status of the case.

IT IS ORDERED adopting as the order of the court the dates and deadlines of paragraphs I, II, III, and VI of the parties Joint Pretrial Conference Memorandum.

**REFERAL TO ADR**

IT IS FURTHER ORDERED referring this matter to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement  
Docket Code 026 Form V000A

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conference. Counsel and/or the parties are instructed that ADR will not set the settlement conference and therefore they should not contact the office of ADR. Counsel and/or the parties will be notified by ADR by minute entry upon the appointment of a Judge *Pro Tempore* and at that time should contact the appointed Judge *Pro Tempore* to arrange the time and location for the settlement conference. The Judge *Pro Tempore* is requested to conduct a settlement conference not later than **November 2004**.

IT IS FURTHER ORDERED:

To the extent it does not conflict with these orders, the Rule 16 joint pretrial memorandum is adopted. A joint pretrial statement, including proposed voir dire and jury instructions, shall be filed and copies delivered to court and counsel by no later than **December 3, 2004**.

1. **TRIAL DATE**: Jury trial is set on **December 14, 2004 at 9:30 a.m.** before Judge Katz. Court and counsel will meet at 9:00 a.m. Jury selection will begin as soon as the jury panel arrives. Additional orders are as follows:

2. **LENGTH OF TRIAL**: **2 days**.

3. **TRIAL MANAGEMENT CONFERENCE**: Court and counsel will meet for a trial management conference, hearing any objections to exhibits and settlement of jury instructions on **December 8, 2004 at 8:45 a.m. for 1 hour** before Judge Katz. Requests for jury instructions are to be delivered to the division **5** business days before the trial management conference. Blanket objections to exhibits and reserving objections until time of trial are not permitted. Any exhibit not exchanged before the trial management conference is waived. Any objection, other than waiver by failure to exchange an exhibit, must be made before or at that conference or it is waived. The court will rule on admission of exhibits (except illustrative exhibits made during trial) at the trial management conference.

4. **SUBSTANTIVE MOTIONS**: The last day to file substantive motions is **October 1, 2004**.

5. **MOTIONS IN LIMINE**: The last day to file motions in limine is **November 19, 2004**. Responses are due by no later than **December 2, 2004**. No replies are necessary. Late motions for summary judgment or for dismissal are not motions in limine. See State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972).

6. **EXPERT OPINIONS**: Experts' opinions and their factual bases are due as per joint pretrial memorandum.

7. **CUTOFF FOR DELIVERY OF DISCLOSURE AND DISCOVERY**: 60 days before trial.

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**\*\*\*ATTORNEYS AND ASSISTANTS—PLEASE READ PARAGRAPH 8\*\*\***

8. **EXCHANGE AND DESIGNATION OF EXHIBITS:** Except illustrative exhibits made during trial, all exhibits are to be exchanged **30** days before the first trial management conference. At least one business day before the trial management conference, (1) deposition originals are to be filed not listed as exhibits and (2) each side shall number its exhibits and provide a coordinating list of the exhibits to each attorney, the court, and the court clerk. The numbers will be used at the trial management conference rulings on the record. Written stipulations to admit exhibits in evidence are encouraged. Following the trial management conference, counsel should contact the division clerk at (602) 506-3443 about exhibit procedures. **Exhibits shall be delivered to the clerk no later than 3 business days prior to the beginning of trial.** The clerk may require assistance in marking and listing exhibits.

9. **JUROR NOTEBOOKS:** Jurors use and appreciate tabbed, indexed, juror notebooks. The contents must be in evidence by stipulation or, for exhibits, by court ruling. Key exhibits, diagrams, photographs, timelines, non-argumentative summaries of positions on liability and damages and other information helpful to jurors may be included.

10. **DEPOSITIONS:** Jurors prefer narrative summaries, with brief excerpts of deposition question and answer testimony, to reading in of many pages of testimony.

Hearing in chambers concludes.