

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-005806

02/27/2008

JUDGE ROBERT E. MILES

CLERK OF THE COURT  
K. Ballard  
Deputy

MARICOPA COUNTY

JEAN WEAVER RICE

v.

DAN E DREW, et al.

JAY DUSHOFF

LEONARD J MCDONALD  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

PRETRIAL CONFERENCE

9:14 a.m. In chambers: This is the time set for Pretrial Conference. Plaintiff is represented (telephonically) by counsel, Adrian M. Gough (appearing for Jean Weaver Rice). Defendant Dan E. Drew Living Trust is represented (telephonically) by counsel, Glen Hallman (appearing for Jay Dushoff). Defendant JP Morgan Chase Bank is represented (telephonically) by counsel, Tabitha A. Jecmen (appearing for Leonard J. McDonald).

Court reporter is not present.

The Court has received and reviewed the parties' Rule 16 Joint Pretrial Scheduling Memorandum. In that regard, the Court notes JP Morgan Chase did not participate in the memorandum. Counsel for JP Morgan advises the Court that her client has received an open extension to file an answer in this matter and does not intend to take an active role in the case.

Discussion is held regarding what discovery needs to be completed before the parties can participate in a meaningful settlement conference/mediation in this matter.

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**IT IS ORDERED** adopting the deadlines set forth in the parties' memorandum as follows:

1. The parties shall disclose all expert witnesses and their areas of expert testimony by **April 20, 2008**.
2. The parties shall simultaneously exchange appraisal reports and any other expert reports/files to be used at trial by **June 19, 2008**.
3. All non-expert witnesses shall be disclosed by **July 14, 2008**.
4. All written discovery requests shall be served by **August 12, 2008**.
5. Any stipulations or motions to amend the pleadings shall be filed by **August 18, 2008**.

**IT IS FURTHER ORDERED** at the same time as the disclosure of expert opinions, counsel shall provide at least three dates upon which each of their respective experts will be available for deposition.

**IT IS FURTHER ORDERED** referring this case to the court's Alternative Dispute Resolution Office for the appointment of a judge *pro tempore* to conduct a settlement conference. **Counsel and/or the parties will receive a minute entry from ADR appointing the judge pro tempore.** Counsel and any "pro per" parties will contact the appointed judge pro tempore to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference no later than **August 15, 2008**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall personally appear and participate in good faith in the settlement conference. Sanctions may be imposed for failure to participate.

**IT IS FURTHER ORDERED** setting a **telephonic** Status Conference on **September 5, 2008 at 9:30 a.m.** to discuss the results of the settlement conference/mediation and whether further settlement efforts are appropriate, and to set a discovery cutoff and a trial date, if appropriate. Counsel for Plaintiff shall arrange and initiate the conference call to this division.

**PLEASE NOTE:** Effective June 16, 2008, all cases assigned to Judge Robert E. Miles will be re-assigned to Judge Joseph B. Heilman due to judicial calendar rotations. Judge Heilman will

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be located in the East Court Building, 101 East Jefferson, Suite 814, Phoenix, Arizona 85003 (telephone: **602-506-0292**).

Telephonic appearances shall be made from a LANDLINE and **NOT** a cellular phone.

**COUNSEL PARTICIPATING IN THE CONFERENCE SHALL BE KNOWLEDGEABLE ABOUT THE CASE AND ITS STATUS, AND SHALL HAVE AUTHORITY TO MAKE DECISIONS ABOUT SCHEDULING AND OTHER MATTERS RELATED TO THE CASE.**

9:20 a.m. Matter concludes.