

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
05/15/2001

05/04/2001

CLERK OF THE COURT
FORM V000A

THE HONORABLE NORMAN J. DAVIS

T. Melius
Deputy

CV 2000-008949

FILED: _____

ASLAM P DULARA

VICTOR A GARNICE

v.

NAGMA SIDDIQUI

JAY A BANSAL
WILLIAM HOBSON

MINUTE ENTRY

3:05 p.m. This is the time set for a Default hearing on this case. Plaintiff, Aslam P. Dulara is present and represented by counsel, Victor A. Garnice. Defendant is represented by counsel, Jay A. Bansal and William Hobson.

Court Reporter is not present.

Arguments are presented to the Court.

Motion to Set Aside Entry of Default.

Good cause appearing,

IT IS ORDERED granting Motion to Set Aside Entry of Default.

IT IS FURTHER ORDERED granting Plaintiff's Motion to Strike Answer to First Amended Complaint and allowing Defendant to file a proper amended and verified answer on or before **May 11, 2001**.

IT IS FURTHER ORDERED that Defendant shall provide verified responses to all outstanding discovery by **May 11, 2001**.

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The Court finds it appropriate to impose sanctions upon Defendant and/or defense counsel for failure to appear at the April 6, 2001 comprehensive pretrial conference and participation in the preparation of the pretrial conference statement. The exact manner of imposition of sanctions shall abide trial in this case and be determined in conjunction with any award of attorney's fees entered pursuant with A.R.S. §25-324 or otherwise.

TRIAL SETTING

IT IS FURTHER ORDERED setting Trial to the Court on **July 26, 2001 at 9:30 a.m. (2 hours)** in this Division, 101 West Jefferson, East Court Building, Suite 814, Phoenix, Arizona. Pursuant to Rule 16(h) Arizona Rules of Civil Procedure, each party will be allowed ½ of the available 2 hours to present all direct, cross, redirect examination and any argument.

JOINT PRE-TRIAL STATEMENT.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement, no later than **5 days prior to trial.**

IT IS FURTHER ORDERED that the Joint Pre-trial Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (Ct. App. 1995).

2. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary

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proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one page statement of all property except personal property items valued at less than \$500 each.

3. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Schweiger v. China Doll Restaurant, Inc., 138 Ariz. 183, 673 P.2d 927 (Ct. App. 1983).

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS.

IT IS ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least three days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

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FINDINGS OF FACT.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 52, Arizona Rules of Civil Procedure, **shall submit proposed findings of fact and conclusions of law to this Division no later than 30 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

SETTLEMENT.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule 5.1 (c), Arizona Rules of Civil Procedure, and Maricopa County Local Rules 2.10(b) and 3.6(c).

Matter concludes.