

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
05/24/2001

05/21/2001

CLERK OF THE COURT
FORM V000A

HONORABLE ARTHUR T. ANDERSON

D. Whitford
Deputy

CV 2000-002320

FILED: _____

STATE OF ARIZONA, et al.

JOHN M SCHLOSSER

v.

S TED SORENSON, et al.

STANLEY Z GOODFARB

JAMES R MINTER
ALTERNATIVE DISPUTE
RESOLUTION - CCC

RULE 16 CONF/TRIAL & PRETRIAL SET

3:15 p.m. This is the time set for Rule 16 Scheduling Conference. Plaintiffs are represented by counsel John Schlosser. Defendants are represented by counsel Stanley Goodfarb.

No court reporter is present.

Discussion ensues re: the appraisal report.

IT IS ORDERED that Defendant Sorenson provide its appraisal report by **August 20, 2001**.

IT IS FURTHER ORDERED referring this matter to Civil Court Administration to schedule a Settlement Conference.

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Pretrial matters are discussed.

IT IS FURTHER ORDERED adopting the schedule set forth in the Joint Pretrial Memorandum, except as noted.

IT IS FURTHER ORDERED:

1. This matter is set for trial to a jury on **September 24, 2002.**

Estimated length of trial: **5 days**

THIS IS A FIRM TRIAL SETTING. A MOTION TO CONTINUE WILL RARELY BE GRANTED.

2. A Pretrial Management Conference is set for **August 27, 2002 at 9:00 a.m.**

3. **GENERAL ORDER: DISCOVERY MOTIONS AND PRETRIAL DISPUTES**

The parties shall not file Motions for Orders compelling disclosure or discovery, or for sanctions or other pretrial procedural relief ("Pretrial Disputes") without first obtaining leave of Court. Instead, should a Pretrial Dispute arise, the party desiring relief shall first confer with the opposing party in an effort to resolve the problem. Should this consultation fail to resolve the conflict fully so that participation by the Court is needed, the party seeking relief shall contact the Court by calling the Court's Judicial Assistant (602-506-0341) or by delivering to the Court a "Request for Telephonic Conference to Resolve a Pretrial Dispute". Upon receipt of a request for relief, the Court will schedule an expedited telephonic hearing on the matter. All parties requesting relief during the expedited telephonic conference shall be deemed to have avowed to the Court that they have fulfilled all obligations imposed by Uniform Rule of Practice 4(g).

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The purpose for this procedure is to permit an expeditious, inexpensive resolution of good faith disputes. If, for any reason, the Court cannot resolve disputed issues at the expedited telephonic hearing, it will set a briefing schedule to allow the parties to file appropriate motions, memoranda and supporting material.

4. PRETRIAL MANAGEMENT CONFERENCE.

A. JOINT PRETRIAL STATEMENT. Three (3) days before the Pretrial Management Conference, counsel for the parties shall deliver a copy of the Joint Pretrial Statement to the Court.

In addition to the information required by Uniform Rule 6, counsel shall at the pretrial management conference file with the Court copies of any deposition transcripts to be offered. The offering party will highlight the portions to be read, the adverse party will highlight Rule 106, Arizona Rules of Evidence, additions, and any objections for the Court to rule on will be clearly marked in the margin.

The parties are encouraged to agree on narrative summaries of deposition testimony, using brief questions and answer excerpts only to emphasize very important testimony or to cover areas of testimony that cannot be summarized to the satisfaction of all counsel. No stipulation should be unreasonably refused.

B. MOTIONS IN LIMINE. All Motions in Limine shall be filed no later than thirty (30) days before the pretrial management conference. A written response to a Motion in Limine may be filed no later than ten (10) days thereafter. The Court may rule on the Motions in Limine without oral argument unless otherwise ordered by the Court. No replies shall be filed.

C. JURY INSTRUCTIONS; VOIR DIRE QUESTIONS; VERDICT FORMS. Three (3) days before the Pretrial Management Conference, counsel shall deliver to the trial judge copies of:

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1. Proposed voir dire questions.
2. Requested preliminary and final jury instructions. Please read the RAJI Civil 3d Statement of Purpose and Approach before preparing requests for non-RAJI instructions. Non-RAJI instructions must be typed in full. Each instruction should cover only one subject. Recommended Arizona Jury Instructions (RAJI) may be referenced by RAJI Designation (i.e. RAJI 3d Standard 1 - Duty of Jurors).
3. Proposed Verdict Forms shall be lodged with the Joint Pretrial Statement.

5. FINDINGS OF FACT AND CONCLUSIONS OF LAW

If applicable, any requests for the Court to enter findings of fact and conclusions of law, made in accordance with the Rule 52, Arizona Rules of Civil Procedure, shall be filed thirty (30) days prior to the trial date. In any case in which a request under Rule 52 has or will be made, counsel shall submit proposed findings of fact and conclusions of law not later than the date of the Pretrial Management Conference.

EXHIBITS

Counsel shall deliver to the division the parties' exhibits along with an Exhibit Description Form (a hard copy plus on an IBM-Compatible, 3.5 diskette in Microsoft Word 95 or 97). Identify each exhibit with its number; for example, attach a sticky to each exhibit or separate each exhibit with a sheet of paper with the exhibit number written on it. If counsel have more than 100 exhibits each, submit exhibits in a ring binder with numbered-tabbed sheets separating each. A second copy of the exhibits is appreciated for use by Judge Anderson. Examples of the Exhibit Description Form are on the following pages of this minute entry. Please duplicate this form exactly, creating as many rows as there are exhibits, and follow these instructions:

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(1) Counsel shall call (602-506-3813) to inform Sheryl Dyke, the clerk, of the number of exhibits and the date counsel intend to deliver the exhibits to the division. When counsel calls, the clerk shall provide counsel with a block of numbers for numbering that party's exhibits on the Exhibit Description Form. If counsel intend to submit more than 25 exhibits each, counsel shall make arrangements with the clerk of the division to provide assistance with marking the exhibits.

(2) The exhibits shall be numbered serially -- 1, 2, etc., (not 1(a), 1(b); numbers shall not be skipped;

(3) Counsel shall do their best to eliminate duplication of exhibits.

(4) Do not list depositions on the Exhibit Description Form; they are filed in separately by the clerk.

(5) List only the exhibits delivered to the clerk for marking. Do not list opposing party's exhibits.

(6) The following heading of the Exhibit Description Form must appear at the top of all pages of the form:

Caption: John Doe v. Jane Doe

Cause No.: CV 99-00210

PLAINTIFF		DEFENDANT		Offr For Evd (Y)	EXHIBIT DESCRIPTION ** All exhibits are copies unless noted **
EXH NO.	DATE IN EVIDENCE	EXH NO.	DATE IN EVIDENCE		

(7) Bring the completed Exhibit Description Form and numbered exhibits to the Judge's clerk.

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(8) If there are any questions **concerning exhibits**, please call.

Thank you for your cooperation.

EXAMPLE FOR PLAINTIFF

Caption: John Doe v. Jane Doe

Cause No.: CV1999-000210

PLAINTIFF		DEFENDANT		Offr For Evd (Y)	EXHIBIT DESCRIPTION <i>All exhibits are copies unless noted</i>
EXH NO.	DATE IN EVIDENCE	EXH NO.	DATE IN EVIDENCE		
1					Letter to John Doe from Jim Smith, 1/1/98
2					Packet of medical records, 1994-98
3					Deed to 1101 N. Central Avenue, Phoenix, AZ, 1/1/98

EXAMPLE FOR DEFENDANT

Caption: John Doe v. Jane Doe

Cause No.: CV 1999-000210

PLAINTIFF		DEFENDANT		Offr For Evd (Y)	EXHIBIT DESCRIPTION <i>All exhibits are copies unless noted</i>
EXH NO.	DATE IN EVIDENCE	EXH NO.	DATE IN EVIDENCE		
		4			Letter to Henry Johnson from Carol Smith, 1/1/99
		5			Packet of medical records, 1994-98
		6			Deed to 7201 N. Washington St, Phoenix, AZ, 1/1/98

3:25 p.m. Hearing concludes.