

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2001-011525

06/02/2003

HON. MICHAEL O. WILKINSON
FOR HONORABLE ROGER W. KAUFMAN

CLERK OF THE COURT
E. Hill
Deputy

FILED: 06/03/2003

STATE OF ARIZONA, et al.

JEFFREY T MURRAY

v.

METROPOLITAN LAND CO, et al.

DALE S ZEITLIN

TRIAL SETTING

IN CHAMBERS: This is the time set for scheduling conference in this matter. Plaintiff is represented by Jeffrey Murray (present) and Defendant is represented by Dale Zeitlin (telephonically).

No Court Reporter is present.

IT IS ORDERED as follows:

1. This matter is set for trial to jury on February 15, 2004

IT IS FURTHER ORDERED simultaneous exchange of final appraisal reports will be July 31, 2003.

IT IS FURTHER ORDERED final disclosure of all expert and non-expert rebuttal witnesses shall occur on or before September 30, 2003.

IT IS FURTHER ORDERED depositions in this matter shall be concluded by November 30, 2003.

THIS IS A FIRM TRIAL SETTING.

SUPERIOR COURT OF ARIZONA
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CV 2001-011525

06/02/2003

2. A Pretrial Management Conference is set on December 9, 2003, at 8:30 a.m. (telephonically).

The joint pretrial statement in accordance with Rule 16(d), A.R.C.P., is due by 5:00 p.m., two days prior to the Management Conference. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

3. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Requested jury instructions, and any voir dire questions counsel request that the court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on IBM-compatible double-sided, high density 3.5 inch diskettes, in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Motions in limine, which must meet the test of State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."

D. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

4. Written response to a motion in limine may be filed no later than noon of the day before trial.

5. All motions (except motions in limine) shall be filed no later than sixty (60) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.

6. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before 3:00 p.m. the court day before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

7. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2001-011525

06/02/2003

8. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.

Note: Counsel and the parties are informed that effective June 23, 2003, Judge Kaufman's calendar will be assumed by Judge Ruth H. Hilliard. Judge Hilliard's division will be located in the Central Court Building, Suite 4C, 201 West Jefferson, Phoenix, AZ 85003.