

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-023710

01/09/2006

HONORABLE KRISTIN HOFFMAN

CLERK OF THE COURT  
A. Gonzalez  
Deputy

FILED: 01/11/2006

SWIFT TRANSPORTATION CO INC

DONALD P ROELKE

v.

MARICOPA COUNTY

RICHARD W GARNETT

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

ORDER SETTING FIRM TRIAL *and* TRIAL MANAGEMENT CONFERENCE

2:09 p.m. This is the time set for Comprehensive Rule 16 Pretrial Conference. Plaintiff is represented by counsel, Donald Roelke. Defendant is represented by Deputy County Attorney, Richard Garnett. Mr. Garnett appears telephonically.

Proceedings are digitally, audio-recorded by For the Record.

The Court has received and reviewed the Joint Pretrial Conference Memorandum.

A discussion is held.

THE COURT ENTERS THE FOLLOWING ORDERS:

- 1) This matter is referred 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 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 before **5/26/06**.
- 2) Written disclosures and discovery shall be completed by **9/8/06**.
- 3) Depositions shall be conducted and completed by **10/6/06**.

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- 4) Expert witnesses shall be disclosed by **7/7/06**.
- 5) Non-expert witnesses shall be disclosed by **7/31/06**.
- 6) Appraisal reports shall be disclosed by **8/7/06**

LET THE RECORD REFLECT that the parties agree that a Pretrial Management Conference may be foregone. Therefore, no Pretrial Management Conference is scheduled herein.

IT IS ORDERED setting a trial to the Court on **November 8, 2006, at 9:30 a.m.**, before:

HONORABLE JUDGE KRISTIN HOFFMAN  
SUPERIOR COURT OF ARIZONA  
OLD COURT HOUSE 125 W. WASHINGTON ST.  
COURTROOM 201 – 2ND FLOOR – PHOENIX, ARIZONA 85003-2202  
(602) 506-5624

THIS IS A FIRM TRIAL SETTING. Trial length: 2 days to the Court.

**Courtroom 201 is NOT an E-Courtroom. A court reporter will be present. If you wish to use PowerPoint, etc. please make arrangements with the division to bring your own equipment.**

IT IS ORDERED that the Joint Pretrial Statement (JPTS) in accordance with Rule 16(d), A.R.Civ.P., is due in this division by 5:00 p.m., 14 days prior to trial, or no later than, **10/25/2006**.

IT IS FURTHER ORDERED with the JPTS, Counsel shall deliver to this division, copies of the following:

A. Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed. The proposed Findings of Fact and Conclusions of Law will be submitted both in hard copy and on computer disk. If proposed Findings of Fact and Conclusions of Law are not received, the request shall be deemed waived.

B. Counsel are to identify in/with the memorandum 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.

C. Any motions *in limine* shall be filed forty (40) days before the trial and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion *in limine* is to avoid disclosing to the jury prejudicial

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matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion *in limine* may be filed no later than thirty (30) days before trial. No replies shall be filed. The Court will decide motions *in limine* at the trial management conference. If oral argument is requested, oral argument will be held at the trial management conference.

D. All dispositive motions must be filed ninety (90) days before trial, or by **8/8/06**.

E. The Court will hear and rule upon objections to exhibits on the first day of trial. The rulings will be stated on the record. All objections to known exhibits and witnesses must be made at that time, or in the pretrial memoranda, or will be deemed to have been waived.

2:12 p.m. Hearing concludes.