

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-007511

09/15/2011

HONORABLE MARK H. BRAIN

CLERK OF THE COURT
T. Nosker
Deputy

STATE OF ARIZONA, et al.

RON ASCHENBACH

v.

PRAIRIE DOG INVESTMENTS I I I, L L C, et
al.

DALE S ZEITLIN

DAVINA DANA BRESSLER
ALTERNATIVE DISPUTE
RESOLUTION - CCC

STATUS CONFERENCE/
TRANSFER TO ADR/
STATUS CONFERENCE SET

Courtroom ECB-814

9:34 a.m. This is the time set for Telephonic Status Conference. Plaintiff is represented by counsel, Ron Aschenbach. Defendant, Prairie Dog Investments III., LLC, is represented by counsel, Dale S. Zetilin. Defendant, Maricopa County, is represented by counsel, Davina Dana Bressler.

Court reporter, Lisa Bradley, is present.

Court and counsel discuss status of the case and Plaintiff's Motion for Rule 16 Status Conference. Counsel advise the Court that they do not have a scheduling order in place. Therefore,

IT IS ORDERED as follows:

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1. The parties shall mutually and simultaneously disclose areas of expert testimony by **October 14, 2011.**
2. Plaintiff shall disclose whether the recent appraisal is materially accurate (+/- 10%) by no later than **October 30, 2011.**
3. The parties shall mutually and simultaneously disclose the identity and opinions of their expert witnesses by **December 23, 2011.**
4. The parties shall disclose all non-expert witnesses by **January 15, 2012.**
5. Any and all discovery requests shall be served by **January 31, 2012.**
6. The parties shall mutually and simultaneously disclose their rebuttal expert witnesses and opinions by **February 9, 2012.**
7. All discovery shall be concluded by **April 12, 2012.**
8. The parties shall have exchanged up-to-date final Rule 26.1 Supplemental Disclosure Statements by **April 27, 2012.**

IT IS ORDERED the parties shall participate in a Settlement Conference. This case is referred to the Court's Office of Alternative Dispute Resolution 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 not later than **March 1, 2012.** The Office of Alternative Dispute Resolution will not do the scheduling of the Settlement Conference so please do not contact that office.

If counsel prefer to use a private mediator to conduct the Settlement Conference, a Stipulation and Order re: alternative to ADR must be presented to the Court by no later than **5:00 p.m. on February 1, 2012.**

IT IS FURTHER ORDERED that the parties shall simultaneously submit confidential memoranda to the Judge Pro Tempore at least **5 days prior** to the date set for Settlement Conference.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle this case, shall personally appear and participate in good faith in this Settlement Conference, even if no settlement is expected.

**JUDGE MARK H. BRAIN
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 WEST JEFFERSON
8th FLOOR, COURTROOM 814**

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PHOENIX, AZ 85003
602-372-1141 TEL

IT IS FURTHER ORDERED setting a Telephonic Status Conference on **March 5, 2012 at 9:15 a.m. (15 minutes)** in this division, at which time the Court will address dates for final pretrial management conference and trial, if appropriate.

Counsel for Plaintiff shall initiate the conference call.

Parties are admonished to meet and confer as to the date and length of Trial, as the Court will not grant continuances nor will the Court enlarge the number of days once a Trial date has been scheduled, in view of the Court's calendar.

DISCOVERY DISPUTES: In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division BEFORE filing a motion to compel or motion for protective order.

9:50 a.m. Matter concludes.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.