

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2000-015119

05/12/2005

HON. MARGARET H. DOWNIE

CLERK OF THE COURT
L. Rasmussen
Deputy

FILED: 05/16/2005

WESTFEST LLC

E JEFFREY WALSH

v.

WESTRIDGE PARK INVESTORS LIMITED
PARTNE, et al.

MARTIN A ARONSON

TRIAL SETTING

8:30 a.m. This is the time set for Rule 16 scheduling conference. Plaintiff is represented by above-named counsel. Defendants are represented by above-named counsel.

Court reporter is not present.

Discussion is held regarding defendant's difficulty in obtaining real estate and appraisal experts in the present housing market.

IT IS ORDERED as follows:

- Defendants shall disclose the identification of their experts and their opinions by **August 12, 2005**;
- Plaintiff shall have until **October 12, 2005**, in which to disclose rebuttal expert opinions;
- The parties shall have until **August 12, 2005**, for non-expert witness disclosures.

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IT IS FURTHER ORDERED setting this matter for an 8-day jury trial on **February 6, 2006,¹** at **9:30 a.m.**

Trial days are normally 9:30 a.m. to 4:30 p.m., Monday through Thursday.

IT IS FURTHER ORDERED all dispositive motions shall be filed at least 90 days before trial. Motions in *limine* shall be filed in accordance with Rule 7.2, Ariz.R.Civ.P. Motions not filed in accordance with these deadlines will not be considered.

A pretrial management conference is set for **January 20, 2006, at 8:30 a.m.**

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks and verdict forms.
- D. Deposition summaries and excerpts from depositions including objections thereto.
- E. Scheduling, equipment or interpreter issues.
- F. Status of settlement efforts.
- G. Motions in *limine* and other pending motions.
- H. Other matters addressed in the updated joint pretrial statement.

A joint pretrial statement (JPTS) is due three judicial days before the PTMC. The following shall be filed with the JPTS:

- A. Proposed *voir dire* questions.
- B. A list to be read to the jury with names of all witnesses who may testify.

¹ One day's jury fees will be assessed unless the court is notified of settlement by 2:00 p.m. on the judicial day before trial.

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- C. A set of agreed-upon jury instructions.
- D. Separate sets of requested instructions that have not been agreed upon. (Review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose before requesting non-RAJI instructions.)
- E. Proposed findings of fact and conclusions of law (if a request for same has been or will be filed).
- F. A stipulated brief summary of the case, which the court can read at the outset of *voir dire*.

All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so duplicates are avoided. **At least ten days before trial, counsel or their knowledgeable assistants shall call the division clerk at (602) 506-7514 to discuss procedures for marking exhibits.** Original depositions are provided to the clerk for the record and not marked as exhibits.

IT IS FURTHER ORDERED setting a telephonic status conference for **September 21, 2005, at 8:30 a.m.**, to discuss pretrial deadlines and the viability of the trial date in February.

8:45 a.m. Conference concludes.