

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-022999

02/17/2006

HONORABLE MARK W. ARMSTRONG

CLERK OF THE COURT
L. Slaughter
Deputy

FILED: 02/24/2006

THREE E INVESTMENT CO L L C

DONALD P ROELKE

v.

MARICOPA COUNTY

MICHELLE D'ANDREA

ALTERNATIVE DISPUTE
RESOLUTION - CCC

**DISCLOSURE AND DISCOVERY DEADLINES SET
ADR REFERRAL
JURY TRIAL SET**

The Court has received the parties Joint Pretrial Conference Memorandum.

IT IS ORDERED adopting the proposed schedule set forth in the Joint Pretrial Conference Memorandum as follows:

- The parties shall disclose their expert witnesses no later than **August 4, 2006**.
- Any dispositive motions shall be filed no later than **September 1, 2006**.
- The parties shall exchange the appraisal reports of their expert witnesses no later than **September 5, 2006**.
- The parties shall disclose their non-expert witnesses no later than **September 18, 2006**.
- The parties shall complete disclosures and discovery no later than **October 2, 2006**.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-022999

02/17/2006

- The parties shall complete any depositions of the parties, their witnesses or other persons no later than **October 30, 2006**.

IT IS FURTHER ORDERED referring this matter 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 not later than **October 31, 2006**.

IT IS FURTHER ORDERED:

1. This matter is set for trial to a jury on **December 7, 2006**

Estimated length of trial is: **2 days**

2. Not later than **November 7, 2006**, counsel (or the parties) shall file:

A. A joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure. 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.

B. Requested jury instructions, and any voir dire questions counsel request that the court ask. Counsel shall provide a copy of the proposed jury instructions on CD or IBM-compatible double-sided, high density 3.5 inch diskettes, in Microsoft Word.

C. Any Motions in Limine. Motions in Limine may and shall be filed only in accordance with Rule 7.2, Rules of Civil Procedure (effective December 1, 2004). Prior to filing any Motion in Limine the parties must meet and confer. No "prophylactic" Motions in Limine may be filed. Unless prior written leave of court is obtained for good cause shown, no party may file more than three (3) Motions in Limine, including all subparts.

3. Written responses to any motions in limine may be filed no later than **November 23, 2006**.

4. All motions (except motions in limine) shall be filed no later than **September 7, 2006**, so they can be scheduled, briefed, argued and decided prior to trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-022999

02/17/2006

5. **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 (602) 372-7723) **before 12:00 p.m. five court days prior to trial** to present all exhibits and a list of exhibit descriptions.

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

7. 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.

8. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

IT IS ORDERED vacating Pretrial Conference set February 24, 2006, in this division.