

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-012219

02/20/2007

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT  
L. Firriello  
Deputy

PHOENIX CITY

JANIS M HAUG

v.

SOUTHBANK PROPERTY OWNERS  
ASSOCIATION, et al.

TIMOTHY H BARNES

CHARLES I KELHOFFER  
JOHN W PAULSEN

**TRIAL SETTING MINUTE ENTRY**

IN CHAMBERS:

8:40 a.m. This is the time set for Telephonic Rule 16 Comprehensive Pretrial Status Scheduling Conference. Plaintiff is represented by counsel Janis M. Haug. Defendant Southbank Property Owners' Association is represented by counsel Timothy H. Barnes. All parties appear telephonically.

No court reporter present.

Discussion is held re appraisal of the property and setting a trial date.

The Court adopts and incorporates all other deadlines set forth in the parties' Joint Pretrial Memorandum filed February 13, 2007, except as modified by this minute entry.

**IT IS ORDERED** as follows:

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1. **TRIAL DATE:** Jury Trial is set on **January 14, 2008 at 9:30 a.m.**, before Judge Ruth Hilliard, Courtroom 402, Central Court Building, 201 West Jefferson, Phoenix, AZ 85003. Counsel/parties to be here at 9:15 a.m. Jury selection will begin as soon as the jury panel arrives.

**NOTE: Counsel/Parties shall notify the Judicial Assistant of this division of any scheduled witnesses residing outside of Maricopa County, the State of Arizona or the United States, no later than 30 days prior to trial.**

2. **LENGTH OF TRIAL:** Three (3) Days.

3. **JOINT PRETRIAL STATEMENT:** A Joint Pretrial Statement, jury instructions, voir dire for the panel as a whole, and exhibits **must** be delivered to this division **no later than December 10, 2007.** Failure to deliver documents by said date may result in loss of trial date.

4. **TRIAL MANAGEMENT CONFERENCE:** Court and counsel/parties will meet for a Trial Management Conference, argument on motions in limine and settlement of jury instructions on **December 17, 2007 at 8:30 a.m.**

5. **DISPOSITIVE MOTIONS:** Although counsel advise the Court that they do not anticipate filing dispositive motions, the last day to file dispositive motions is **September 14, 2007.** This is a firm date and will not be changed without changing the trial date.

6. **MOTIONS IN LIMINE:** The last day to file motions in limine is **December 3, 2007.** Responses are due by **December 10, 2007.** Late motions for summary judgment or for dismissal are not motions in limine. See, State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972). Motions in Limine will be ruled on at the Trial Management Conference. Counsel/parties are to review **Rule 7.2 A.R.C.P.** and provide an avowal stating compliance with Rule 7.2.

7. **CUTOFF FOR DISCOVERY:** **November 2, 2007.**

8. **EXCHANGE AND DESIGNATION OF EXHIBITS:** Except illustrative exhibits made during trial, all exhibits are to be exchanged **thirty (30)** days before the Trial Management Conference. Counsel/parties are directed to meet and confer regarding exhibits so that duplicates are avoided. **\*\*Trial lawyers or their knowledgeable assistants must contact the clerk of this division at 602-506-3348, no later than one week prior to the due date for exhibits, regarding the proper procedures for submitting exhibits to be marked for trial.\*\*** Exhibits shall be delivered to the clerk of this division no later than **December 10, 2007.**

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9. **JUROR NOTEBOOKS:** Jurors use and appreciate tabbed, indexed, juror notebooks. The contents must be in evidence by stipulation or, for exhibits, by court ruling. Key exhibits, diagrams, photographs, timelines, non-argumentative summaries of positions on liability and damages and other information helpful to jurors may be included.

10. **DEPOSITIONS:** Jurors prefer narrative summaries, with brief excerpts of deposition question and answer testimony, to reading many pages of testimony.

11. **SETTLEMENT CONFERENCE:** Counsel/parties advise that the parties are referring this matter to a private mediator. Said private mediation shall be completed not later than **October 31, 2007**. However, if counsel wish to use the services of the court's ADR Office, a notice regarding referral to ADR must be filed with the court. Please be advised the ADR Office requires a **minimum 90 days** to schedule a settlement conference.

8:50 a.m. Matter concludes.