

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-004885

01/29/2009

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
S. Brown
Deputy

LEWIS EDWARD OBERMILLER

MARILEE MILLER CLARKE

v.

CARRIE MARIE YOUNG

BLAKE E WHITEMAN

ORAL ARGUMENT SET

IT IS ORDERED setting this matter for oral argument on **Defendant's Objection To Appraisal Obtained By Plaintiff; Motion For Independent Appraisal; Motion To Enforce Settlement; Motion For Accelerated Telephonic Oral Argument and the briefs on February 20, 2009 at 9:45 a.m. (1 hour)** in this division. **All counsel shall personally appear.**

The proceedings will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$20.00 charge. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.**

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. **To request a transcript call 602-506-7100** and provide the date of the proceeding, the case number, the case caption, if the transcript is for an

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appeal, and your name, address and telephone number. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

IF ANY ISSUES IN THE MOTION RELATE TO DISCOVERY PROBLEMS, COUNSEL SHALL CONFER TO ATTEMPT TO RESOLVE THEIR DIFFERENCES OR TO REDUCE THE AREAS OF DISPUTE. COUNSEL ARE REMINDED THAT THE COURT WILL LIKELY IMPOSE SANCTIONS AGAINST THE LOSING PARTY IN ACCORDANCE WITH RULE 37(a)(4), RULES OF CIVIL PROCEDURE.

IT IS FURTHER ORDERED:

Oral argument shall not exceed five minutes for each side. If extended oral argument is necessary, counsel must so advise the Court no later than four court days prior to the date set for hearing so that oral argument can be rescheduled.

Any motion or stipulation for continuance must be filed with the Court no later than four court days prior to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

All memoranda and affidavits regarding the motion must be filed and copies lodged with this division no later than four court days prior to the date set for hearing.

Counsel are advised that if the answering memorandum is not timely filed in accordance with the Arizona Rules Of Civil Procedure, oral argument may be vacated and the motion will be ruled upon in accordance with Rule 7.1 (b), A.R.C.P.

No agreement by the parties to modify the pleading schedule will be honored by the Court unless the Court is notified and approves the parties' agreement. Any such agreement will not change the argument date without a court Order and will, in any event, require that all motions are fully briefed and at issue not later than one full week before the argument date.

IT IS ORDERED that all Motions, Responses, Replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any Motion within a responsive pleading. All Motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.