

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-004398

02/12/2007

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
C.I. Miller
Deputy

HAROLD W BEARD JR., et al.

RICHARD T TREON
STEPHEN E SILVERMAN

v.

FARMERS INSURANCE COMPANY OF
ARIZONA INC

BRUCE M PRESTON

ANDREW F MARSHALL

**COMPREHENSIVE PRETRIAL ORDER/
STATUS CONFERENCE SET**

9:57 a.m. This is the time set for Status Conference. Plaintiffs are represented by counsel, Stephen Silverman. Defendant is represented by counsel, Bruce Preston.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Status of the case is discussed. The court is advised that the bankruptcy trustee has been substituted for the Plaintiffs. Defendant withdraws its request for a Rule 16 Pretrial Conference.

The court has received and reviewed the parties' Joint Pretrial Conference Memorandum.

LET THE RECORD REFLECT that Judge David R Cole will be assuming this calendar on June 25, 2007. Judge McMurdie will handle all matters regarding this case prior to June 25, 2007.

After further discussion regarding discovery deadlines,

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The court adopts and incorporates all other deadlines set forth in the parties' Joint Pretrial Conference Memorandum, except as modified by this minute entry.

IT IS ORDERED affirming the appointment of **Andrew Marshall as the Judge Pro Tempore** to conduct the Settlement Conference and the parties shall participate in a Mandatory Settlement Conference **by December 14, 2007**. **A decision maker for each party must participate in the settlement conference. Counsel and any "pro per" party 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 no later than the above-noted date. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference, so please do not contact the ADR office.)** If the parties elect to use a private mediator, each party must still be represented at the settlement conference by a decision maker.

If the parties, pursuant to agreement, 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 November 14, 2007**.

IT IS ORDERED setting a Status Conference to Set Trial Date for **December 17, 2007, at 10:00 a.m. (15 mins.), before Judge David R. Cole.**

IT IS FURTHER ORDERED as follows:

1. DISCLOSURE, DISCOVERY AND MOTIONS

- A. Expert Witnesses (alternating disclosure):** Plaintiff(s) shall designate by name, subject matter, address, resume and opinions of all trial experts **by July 31, 2007**. Defendant(s) shall designate by name, subject matter, address, resume and opinions all trial experts **by August 31, 2007**. Rebuttal experts shall be designated **by September 30, 2007**.
- B. Non-Expert Witnesses (simultaneous disclosure):** Shall be designated **by November 30, 2007**.
- C. Discovery Cut-Off:** All discovery shall be completed **by November 30, 2007**.
- D. Rule 26.1:** All parties shall have exchanged up-to-date Rule 26.1 Supplemental Disclosure Statements including a disclosure of all final expert witness opinions **by January 15, 2008**. No information disclosed after this

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date may be used at trial absent court order on motion and affidavit. Such information must be seasonably disclosed on an ongoing basis pursuant to Rule 26.1 **prior** to this date.

E. Dispositive Motions. Any dispositive motions shall be filed **no later than December 17, 2008**.

2. MOTIONS IN LIMINE: This court generally decides all motions in limine at the Trial Management Conference to be set approximately ten (10) days before the start of the trial. If a motion in limine needs to be heard before the trial management conference, it is incumbent on the parties to bring it to the court's attention.

Further discussion is held regarding deposing the appraiser John Hall, who now resides in Arizona.

10:08 a.m. Conference concludes.

E-Courtroom Policies:

The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings may be made by videotape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may purchase a CD for a cost of \$20.00.

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. 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 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.