

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-051309

02/27/2014

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT  
M. MINKOW  
Deputy

HENRY EKWEANI, et al.

HENRY EKWEANI  
6604 SEWELLS ORCHARD DRIVE  
COLUMBIA MD 21045

v.

MATHESON AND MATHESON P L C, et al.

TIMOTHY J THOMASON

IJEAMAKA EKWEANI  
6604 SEWELLS ORCHARD DRIVE  
COLUMBIA MD 21045  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**SCHEDULING ORDER SIGNED**  
**REFERRAL TO ADR FOR SETTLEMENT CONFERENCE**  
**TELEPHONIC STATUS CONFERENCE SET**  
**JOINT STATUS REPORT DUE**

10:02 a.m. Courtroom 108 NE. This is the time set for Telephonic Rule 16 Scheduling Conference. Plaintiffs Henry and Ijeamaka Ekweani are present on their own behalf. Appearing on behalf of Defendants is counsel, Michael Plati, appearing on behalf of counsel, Timothy J. Thomason.

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

The Court has received the parties' Rule 16(b) Joint Pretrial Memorandum and accompanying proposed form of order.

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The Court understands that the parties stipulate to the deadlines reflected in their Rule 16(b) Joint Pretrial Memorandum and proposed form of order.

Discussion is held.

By agreement of the parties,

IT IS ORDERED that the parties shall participate in a mandatory Settlement Conference. This case is referred to the court's Alternative Dispute Resolution Office for the appointment of a judge *pro tempore* to conduct a settlement conference. **Counsel and/or parties will receive a minute entry from ADR appointing the judge *pro tempore*.** Counsel and any self-represented litigants shall 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 not later than **October 31, 2014**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

IT IS FURTHER ORDERED that the parties shall jointly certify in writing with the mediator that they have done the following in preparation for the settlement conference:

1. Conferred with each other regarding what additional factual information is required in order to fully evaluate their respective positions;
2. Made a good faith effort to supply the additional information required by opposing counsel;
3. Made a good faith effort to identify the issues to be discussed at the settlement conference; and
4. Made a good faith effort to resolve the issues before the settlement conference.

IT IS FURTHER ORDERED approving and settling the formal written Scheduling Order which is signed by the Court on February 27, 2014, and filed (entered) by the Clerk on February 27, 2014.

**Please note:** The Court has signed a hard-copy version of the order provided with an electronically filed pleading. Copies of the order and self-addressed, stamped envelopes were not available for mailing to the parties. After the order has been scanned and docketed by the Clerk of Court, copies of this order may be available through ECR Online at

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clerkofcourt.maricopa.gov or through AZTurboCourt.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

IT IS FURTHER ORDERED:

1. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be allowed at trial other than those disclosed in a timely manner, except for good cause shown or by written agreement of the parties.
2. A telephonic status conference is set for **November 7, 2014, at 9:00 a.m. for 15 minutes before Judge Michael D. Gordon** for the purpose of setting a trial date, a Final Pretrial Management Conference, and a Motions In Limine deadline if the case has not settled.

**NOTE:** Plaintiff shall be responsible for initiating the conference call by calling the Court at **602-372-0762**, with all participating parties and counsel on the line at the date and time specified above.

3. Should any discovery disputes arise, any party seeking a discovery order shall prior to filing discovery motions, meet and confer pursuant to Rule 37(a)(2)(C) of the Arizona Rules of Civil Procedure. Counsel are advised that, as the Court interprets Rule 37(a)(2)(C), an exchange of correspondence between counsel is **not** sufficient to satisfy the "personal consultation" requirement of the Rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the Court. After personal consultation, the parties are encouraged to call the Court, by joint telephone call, to address discovery disputes in order to resolve issues in a just, speedy and inexpensive manner. See Ariz. R. Civ. Proc., R.1 (2013).
4. If the parties agree to extensions for time to respond or reply to motions, they are to advise the Court in writing in order to avoid premature rulings. See, e.g., Ariz. R. Civ. Proc., R.7.1 (2013). Further, the parties are encouraged to call the Court if a motion has been fully briefed—that is, the time has expired for a response or reply—and a ruling has not been made within 21 days.
5. The dates set forth in the Scheduling Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

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6. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived until otherwise ordered by the Court.
7. In no less than **five days** prior to the Status Conference set herein, the parties shall submit a **Joint Status Report** to the Court containing a brief history of the case, the status of discovery, any outstanding discovery disputes, and the status of the parties' settlement efforts.

IT IS FURTHER ORDERED that if counsel representing a corporate entity seeks to withdraw from representation, he/she must advise the Court that he/she has informed the principals of that corporation that a corporation cannot represent itself in any court proceeding.

10:11 a.m. Matter concludes.

Effective April 15, 2014 new civil rules and forms are in effect for managing cases moving to trial. Be sure to review the new Civil Rules 16, 26, 37, 38, 72 through 74 and 77.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.