

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-093052

08/05/2014

HON. MARK F. ACETO

CLERK OF THE COURT  
M. Scott  
Deputy

DAVID C RUSSELL

DAVID C RUSSELL  
461 W HOLMES AVE UNIT 158  
MESA AZ 85210

v.

STATE OF ARIZONA

CHRISTOPHER A MUNNS

MINUTE ENTRY

**DISPOSITIVE MOTION DEADLINE**

On Court's own motion,

**IT IS ORDERED** establishing **September 15, 2014** as the deadline for the filing of any dispositive or partially dispositive motion.

**BENCH TRIAL SETTING  
FINAL PRETRIAL CONFERENCE SETTING**

**IT IS ORDERED AS FOLLOWS:**

**TRIAL**

This matter is set for a Bench Trial on **March 2, 2015 at 9:30 a.m.** before:

THE HONORABLE MARK F. ACETO  
SUPERIOR COURT OF ARIZONA  
SOUTHEAST COURTHOUSE

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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COURTROOM 203  
222 E. JAVELINA  
MESA, AZ 85210

Estimated length of trial: **2 hours**.

**FINAL PRETRIAL CONFERENCE**

This matter is set for Final Pretrial Conference on **January 30, 2015 at 3:00 p.m.**

**ADDITIONAL ORDERS**

**IT IS FURTHER ORDERED** as follows:

**Motions in Limine.** Rule 7.2, ARCP, applies to any motion in limine to be filed in this case.

**Compliance with Rule 16(g).** The parties must comply with Rule 16(g), ARCP, except for the portions relating to jurors, voir dire, jury instructions, and verdict forms.

**Elements of Claims or Defenses.** (A) As an attachment to the Joint Pretrial Statement, any party asserting a claim or affirmative defense must submit a Memorandum setting forth the following regarding each claim or affirmative defense: (1) the elements (i.e. proof requirements)<sup>1</sup>, (2) whether some burden of proof other than preponderance applies, and (3) the legal authority supporting the foregoing. (B) In the event an opposing party takes the position that anything stated in the above referred-to Memorandum is incorrect, that party must file no later than ten calendar days before trial an Opposing Memorandum which sets out (1) what portion of the Memorandum the party disagrees with, and (2) the legal authority which supports this position. Because the Court will be relying on these Memoranda, failure to timely submit an Opposing Memorandum will be deemed to be a waiver of the right to contest the elements of a claim or defense.

**Witness Information Form.** The parties must jointly prepare a Witness Information Form in the form specified below. In addition to the names of witnesses, the parties must provide estimates of the length of each witness's testimony. The Witness Information Form must be filed as an attachment to the Joint Pretrial Statement.

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<sup>1</sup> This obligation may be satisfied by citing an applicable RAJI.

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**Findings by the Court.** Any party requesting that the Court make specific determinations pursuant to Rule 52(a), ARCP, must do both of the following: (1) request in a timely Joint Pretrial Statement that the Court make “Findings of Fact and Conclusions of Law” and (2) submit to the Court no later than ten calendar days before trial proposed “Findings of Fact and Conclusions of Law”. If any part of this order is not complied with, any request for “Findings of Fact and Conclusions of Law” will be deemed waived.

**Court reporter requests.** Any party requesting that a court reporter be present for trial must include this request in the joint pretrial statement.

**Presence at Final Pretrial Conference.** Lead trial counsel and any self-represented party must be present in court for the Final Pretrial Conference.

**Marking exhibits. No later than the deadline for the joint pretrial statement, each party must present to the clerk of this division both (1) all exhibits that party will use at this trial and (2) a written list with a brief description of each exhibit.** Exhibits are assigned a number and are not designated as plaintiffs or defendants. The clerk will mark the exhibits in an order that corresponds to the above described lists, but not necessarily as anticipated by the parties, e.g. if defendant’s exhibits arrive first, a defense exhibit might be identified as Exhibit 1. If the parties desire input and foreknowledge regarding precise exhibit numbers to be assigned by the court, they should arrange for a joint meeting with the division’s clerk no later than the deadline for the joint pretrial statement at which time party representatives will provide their exhibits and the above described lists.

An enlargement may be used for demonstrative purposes; however an 8 ½ x 11 size copy of the enlargement must be submitted with the other exhibits. Placeholders will not be accepted and exhibit numbers will not be reserved for exhibits not initially presented. The parties shall ensure that there are no duplicate exhibits. Failure to follow the procedure for submitting trial exhibits may result in the exclusion of the party’s exhibits at trial.

Counsel must provide an extra copy of the exhibits (3 hole punched) for use by the judge.

**Courtroom equipment.** Please contact this Division’s Judicial Assistant well in advance of trial to discuss logistics regarding your electronic presentation equipment at **(602) 506-5261**.

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**WITNESS INFORMATION FORM**

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT & CROSS TOTAL: \_\_\_\_\_

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT, REDIRECT & CROSS TOTAL: \_\_\_\_\_

TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_