

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-095000

12/20/2011

HON. JOHN R. DITSWORTH

CLERK OF THE COURT
M. Brady
Deputy

ESTATE OF BEATRICE STOLOFF-KELTER

JOYCE MARIE JOHNSON-STOVALL

v.

CAMPBELL SCHONEBERGER &
ASSOCIATES LTD, et al.

SCOTT J RICHARDSON

TELEPHONIC ORAL ARGUMENT SET
TELEPHONIC COMPREHENSIVE PRETRIAL CONFERENCE

Courtroom 203 – SEA

9:15 a.m. This is the time set for telephonic Comprehensive Pretrial Conference. Counsel, Joyce Johnson-Stovall, appears telephonically on behalf of Plaintiff. Counsel, Scott Richardson, appears telephonically on behalf of Defendants.

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

IT IS ORDERED setting oral argument on **Defendants' Motion to Quash Subpoena Duces Tecum** for **February 17, 2012 at 11:00 a.m.** (allotted time: 30 minutes)

NOTE: Counsel for the Plaintiff is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this division at (602) 506-8288 promptly at the scheduled time.

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IT IS FURTHER ORDERED that the credit union need not comply with the subpoena until after a decision has been made regarding the Subpoena Duces Tecum on February 17, 2012.

LET THE RECORD REFLECT that Plaintiff has withdrawn their Subpoena as to Wells Fargo Bank.

IT IS ORDERED setting a **Telephonic Rule 16 Comprehensive Pretrial Conference** on **July 27, 2012 at 10:00 a.m. (Time allotted: 15 minutes)**

Counsel and/or the parties are to meet personally to discuss all of the matters set forth in Rule 16(b), Ariz. R. Civ. P. Counsel and/or the parties shall prepare and file with the Court, no later than **5:00 p.m. on July 20, 2012**, a Joint proposed Scheduling Order, for discovery, motion and disclosure deadlines.

If the parties agree to the dates, they should prepare an Order **in the form attached hereto**, containing the provisions which are applicable to their case. For example, paragraph one of the Order set forth below need not be included in the parties' proposed Order if the parties intend to disclose their experts' identity and opinions at the same time they disclose their experts' areas of testimony. Similarly, if the parties agree to simultaneously disclose the identity and opinions of their expert witnesses, they need not include in their proposed Order the language set forth in paragraph 2a. and b., below.

The proposed Order shall include specific dates (06/05/2009 rather than 45 days from close of discovery). Do not incorporate a firm trial date in the proposed Order.

If a Joint proposed Scheduling Order is not timely submitted, the Court will place the matter back on the Inactive Calendar for dismissal.

[PROPOSED] SCHEDULING ORDER

The Court has reviewed the parties' Joint Proposed Scheduling Order and adopts and/or modifies the days as follows:

IT IS ORDERED as follows:

1. Plaintiffs final expert disclosure shall be served by **5:00 p.m. on** _____, **2012.**

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2. Defendants final expert disclosure shall be served by **5:00 p.m. on _____, 2012.**
3. The parties shall mutually and simultaneously disclose their rebuttal expert witnesses and opinions by **5:00 p.m. on _____, 2012.**
4. The parties shall disclose all non-expert witnesses by **5:00 p.m. on _____, 2012.**
5. All discovery shall be concluded by **5:00 p.m. on _____, 2012.**
6. All dispositive motions, other than motions *in limine*, must be filed by **5:00 p.m. on _____, 2012.**
7. Settlement conference (choose one):

The parties shall participate in private mediation by **5:00 p.m. on _____, 2012;**

OR

The parties shall participate in a mandatory Settlement Conference. This case is referred to the Court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*. Counsel and any "pro per" parties 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 not later than _____, 2012. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall personally appear and participate in good faith in the Settlement Conference. Sanctions may be imposed for failure to participate.

8. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.

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9. A **Telephonic Status/Scheduling Conference** is set for _____, 2012 at _____ a.m./p.m. for the purpose of assigning a trial date if the case has not settled. Counsel shall have their trial calendars available. Counsel for Plaintiff shall initiate the telephonic conference by first arranging the presence of all other counsel on the conference call and by calling this division at: **(602) 506-8288** promptly at the scheduled time.

1. Should any discovery disputes arise, counsel, prior to filing discovery motions, shall meet and confer pursuant to Rule 37, Ariz.R.Civ.P.
2. The dates set forth in this 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.
3. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived unless and until otherwise ordered by the Court.

9:20 a.m. Hearing concludes.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 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.