

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2011-090600

08/12/2011

JUDGE PRO TEM SHELLIE SMITH

CLERK OF THE COURT
C. Towles
Deputy

IN RE THE MARRIAGE OF
GREGG FARBER

RONEE F STEINER

AND

TERRY FARBER

VICTOR A GARNICE

ALTERNATIVE DISPUTE
RESOLUTION - CCC
TASC - MESA
DOROTHY E FUNE
FUNNE CONSULTING SERVICES
5125 N 16TH ST STE B223
PHOENIX AZ 85016

MINUTE ENTRY

Courtroom 302-SE

11:28 a.m. This is the time set for Resolution Management Conference on Father's *Petition for Dissolution of Marriage with Children*, filed April 27, 2011. Petitioner/Father is present and is represented by above named counsel. Respondent/Mother is present telephonically and is represented by above named counsel.

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

Discussion is held regarding the status of the case and the issues before the Court.

Upon request of the parties, Alternative Dispute Resolution (ADR) is contacted in open court to schedule a settlement conference.

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IT IS ORDERED affirming the Settlement Conference set for November 4, 2011 at 1:30 p.m. before Judge *Pro Tempore* Kenneth A. Winsberg. Counsel and/or the parties will receive a notice from ADR setting forth the necessary settlement conference information. **Counsel and/or the parties should notify ADR (602-506-7884) when the parties reach an agreement prior to the scheduled settlement conference.**

IT IS FURTHER ORDERED that Father shall appear for a hair follicle test at a location of TASC as indicated on the TASC Referral Form by no later than the close of business on August 16, 2011. Father shall pay the cost of his test (\$65.00 per test) by money order, cashier's check or debit card at the time of testing, subject to reallocation. If Father is unable to provide a hair sample to TASC, he shall immediately notify this Court and a referral to another lab will be provided.

IT IS FURTHER ORDERED appointing Ms. Dorothy E. Fune to conduct a limited vocational evaluation of both Petitioner and Respondent. The parties shall cooperate with Ms. Fune so that she may have the evaluations prepared as soon as possible. Each party shall be responsible for one-half of the fees of the evaluations.

IT IS FURTHER ORDERED that within ten (10) days from this date, counsel shall file a stipulation as to the name of a Therapeutic Interventionist to be appointed in this case from the Court's list of approved providers. In the event the parties are unable to stipulate to the Therapeutic Interventionist, counsel shall submit one list of four names (two nominations from each party, without indication as to which party nominated which providers) for the Court to make a fair and impartial appointment. Each party shall be responsible for one-half of the Therapeutic Interventionist's fees.

Discussion is held regarding the child's participating in dance.

LET THE RECORD REFLECT the Court declines to enter orders that limit the child's ability to continue with her dance whether it's training or competition, in or out-of-state. Mother has agreed to provide advance notice to Father with the particulars of the out-of-town travel including the dates, location, and other additional information that Father feels he needs.

Discussion is held regarding Mother's request for temporary orders.

LET THE RECORD REFLECT the parties are advised that the earliest two hour time slot available for Temporary Orders would be in January. Both parties agree that a Temporary Orders Hearing in January would not be cost effective.

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IT IS ORDERED setting this cause for **Trial** to the Court on **March 6, 2012 from 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.** before:

Judge Pro Tem Shellie Smith
Southeast Judicial District
Courtroom 302
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 6 Hours

IT IS FURTHER ORDERED all discovery and disclosure shall be completed by **February 6, 2012.**

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **February 28, 2012.** If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.
4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

Objections and pretrial motions not filed by **February 21, 2012** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present a Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

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If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

IT IS ORDERED that **no less than five (5) business days prior to Trial**, the parties and, if represented, counsel shall provide to the clerk of this division **any exhibits they shall seek to admit into evidence**. All exhibits must be clearly identified, separated by a **COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on February 28, 2012. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, un-emancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

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If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

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 this Division **five (5) court business days** before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

11:56 a.m. Matter concludes.

ISSUED: Court Ordered Substance Abuse Testing form.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.