

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-050624

10/29/2010

HONORABLE LINDA H. MILES

CLERK OF THE COURT
J. Nothwehr
Deputy

REBECCA BEASLEY, et al.

JOHN C DOYLE

v.

JOHN C STUART

ROBERT K LEWIS

COMPREHENSIVE PRETRIAL CONFERENCE

Courtroom 106 - NER

10:25 a.m. This is the time set for a Comprehensive Pretrial Conference. Counsel John Doyle appears telephonically on behalf of the Plaintiffs. Defendant John Stuart is present and represented by counsel, Robert Lewis and Shannon O'Connell.

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

The Court has received and reviewed the parties' Joint Pretrial Conference Memorandum and the accompanying proposed form of order.

The Court notes that the parties have not agreed on various deadlines. Same are discussed.

Discussion commences regarding the status of discovery and non-party depositions.

Based on the discussions held this date,

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IT IS ORDERED that the parties shall comply with the following deadlines:

1. Identities and subject areas of expert testimony shall be disclosed by **January 2, 2011**.
2. Plaintiff's final expert witness disclosure (in accordance with ARCP, Rule 26.1 (a)(6)) shall be served by **March 1, 2011**.
3. Defendant's final expert witness disclosures (in accordance with ARCP, Rule 26.1 (a)(6)) shall be served by **April 1, 2011**.
4. Any rebuttal expert witness disclosures (in accordance with ARCP, Rule 26.1 (a)(6)) shall be served by **May 1, 2011**.
5. Final non-expert witness disclosures (in accordance with ARCP, Rule 26.1 (a)(3)) shall be served by **May 1, 2011**.
6. All discovery shall be completed by **August 1, 2011**. Any written discovery must be propounded far enough in advance of this date to allow for responses to be served in accordance with the Rules prior to this date.
7. Any amendments to the pleadings shall be filed by **February 1, 2011**.
8. The parties shall participate in private mediation by **June 1, 2011**.
9. All dispositive or partially dispositive motions shall be filed by **September 1, 2011**.

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 **September 7, 2011 at 8:30 a.m.** (time allotted: 15 minutes) for the purpose of assigning a trial date if the case has not settled.

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NOTE: Plaintiff shall be responsible for initiating the conference call by calling this Division at **602-506-6452**, 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 ARCP, Rule 37(a)(2)(C). 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. Counsel are further advised that after the personal consultation referenced above, the Court is available to discuss, by joint telephone call, discovery disputes or any other matter that may impact the parties’ ability to resolve this case in a just, speedy and inexpensive manner. See Rule 1, ARCP.
4. The dates set forth in this minute entry 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.
5. 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.
6. 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.

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.

10:54 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>