

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-015684

12/03/2020

HONORABLE JAMES D. SMITH

CLERK OF THE COURT
K. Treftz
Deputy

EDET EFFIONG ASUQUO

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1701 W TUCKEY LN # 201
PHOENIX AZ 85015

v.

LA FUENTE CONDOMINIUM ASSOCIATION

JONATHAN S WALLACK

MICALANN C PEPE
JUDGE J. SMITH

MINUTE ENTRY

The following protocols will govern this matter:

THE FOLLOWING ORDERS ARE IMPORTANT. READ THEM CAREFULLY.

These orders govern unless the Court expressly rescinds them. Later amended scheduling orders, etc., need not repeat them.

Formatting Filed Papers.

Use 13-point font in text and footnotes. Ariz. R. Civ. P. 5.2(b)(1)(B). Any submissions cannot have more than three footnotes (in whole or in part) on a page, and no footnote may exceed five lines.

Sequentially paginate attachments to any submission that are 50 pages or greater. For example, if exhibits to a statement of facts are 537 pages, number every page from 1 to 537. Cite

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to specific pages of the attachments in the motion/response/reply (*i.e.*, not just in a statement of facts). A citation in a motion for summary judgment would point to “SOF ¶ 17 at 298.” That directs the Court to page 298 of your exhibits. One purpose is to allow the Court to find the cited source without reviewing a paragraph in the statement of facts. While this most often applies to summary judgment statements of facts, follow this protocol for any submission with attachments 50 pages or greater.

If you rely on a deposition, attach only the deposition cover page, the pages with the relevant testimony, and the court reporter’s certification. Use full size transcript pages; do not use mini-script.

Do not combine requests for relief. For example, do not include a request for sanctions in response to the other side’s motion.

Expert Disclosures/Motions About Experts.

Do not use expert depositions to disclose new opinions or methodologies. The disclosures/reports must include this information. Ariz. R. Civ. P. 26(d)(3) & (4). In all medical malpractice actions (A.R.S. § 12-561(3)), the Court requires expert reports under Arizona Rule of Civil of Procedure 26.1(d)(2) and (4) for standard of care and causation experts.

The deadline to move to exclude an expert under *Daubert*/Arizona Rule of Evidence 702 is the same as the dispositive motion deadline.

Motions to exclude an expert as violating the one-expert-per-issue rule are due 28 days after the allegedly duplicative opinion arises (whether in a disclosure, deposition, etc.). You must meet and confer before filing such motions.

Motions About Improper Disclosures.

Motions to exclude untimely or improperly disclosed information or arguments are due 28 days after that untimely or improper disclosure. You must meet and confer before filing such motions.

Summary Judgment Protocol And Limits.

The parties must exchange letters of two pages or fewer at least 30 days before filing a motion for summary judgment. They will describe anticipated motions for summary judgment, identifying the issues and claims on which a party will seek summary judgment. The purpose is to narrow issues, focus briefing, and perhaps eliminate separate statements of fact.

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The Court presumptively limits each party to one motion for summary judgment. If a party believes that it cannot address all issues in the 17-page limit, then it must obtain leave to file an oversize brief before filing the motion. For this protocol, the Court limits multiple parties represented by the same counsel to one summary judgment motion.

Separate statements of fact and opposing statements under Arizona Rule of Civil Procedure 56(c)(3) cannot exceed 12 pages, excluding exhibits; objections/responses to the opposing party's statements cannot exceed 10 pages. All counsel must know proper versus improper uses of statements of fact. *See, e.g., Hunton v. Am. Zurich Ins. Co.*, 2018 WL 1182552, *2-4 (D. Ariz. Mar. 7, 2018). They are not tools to exceed the presumptive page limits or for facts/argument outside the briefs.

The Court prohibits “cross-motions” or “counter-motions” for summary judgment.