

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-002958

03/12/2018

HONORABLE KAREN A. MULLINS

CLERK OF THE COURT  
P. Culp  
Deputy

ENCLAVE VILLAS CONDOMINIUM  
COUNCIL OF CO-OWNERS INC

CHRISTINA N MORGAN

v.

THOMAS C TRACY

THOMAS C TRACY  
1225 N 36TH ST # 1117  
PHOENIX AZ 85008

BENCH TRIAL SET

Courtroom 814-ECB

8:49 a.m. This is the time set for Telephonic Status Conference to set Trial. Plaintiff Enclave Villas Condominium Counsel of Co-Owners, Inc. is represented by counsel, Christina N. Morgan. Defendant Thomas C. Tracy is present on his own behalf. Both appear telephonically.

A record of the proceedings is made digitally in lieu of a court reporter.

Case status is discussed. The Court is advised that the parties participated in a settlement conference but were unable to settle the matter.

**IT IS ORDERED AS FOLLOWS:**

**TRIAL**

This matter is set for a Bench Trial on **May 2, 2018 at 9:30 a.m.** before:

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MARICOPA COUNTY

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**THE HONORABLE KAREN A. MULLINS  
MARICOPA SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
8<sup>th</sup> FLOOR-COURTROOM 814  
PHOENIX, AZ 85003  
PHONE: 602-372-1160**

Estimated length of trial: **1 day**.

**TRIAL MANAGEMENT CONFERENCE**

This matter is set for Final Trial Management Conference on **April 13, 2018 at 8:30 a.m.**  
**(30 minutes reserved)**.

**JOINT PRETRIAL STATEMENT**

A Joint Pretrial Statement (JPTS) must be filed no later than **April 9, 2018**.

9:02 a.m. Matter concludes.

**ADDITIONAL ORDERS**

**IT IS FURTHER ORDERED** as follows:

**Elements of Claims or Defenses.** 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.

The opposing party shall, within two court days, file opposing Memorandum which sets out (1) any disagreement with the Memorandum (2) the legal authority which supports the disagreements and the (3) legal authority to support any defenses. The Court will be relying on these Memoranda in regard to the law in issue.

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<sup>1</sup> This obligation may be satisfied by citing an applicable RAJI.  
Docket Code 089

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**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.

**Findings by the Court.** Any party requesting that the Court make specific determinations pursuant to Rule 52(a) must request by **April 2, 2018** that the Court make 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.** All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

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

**Marking exhibits.** Exhibits to be offered at trial shall be delivered to the Division clerk no later than **April 11, 2018**. If you have any questions regarding the guidelines set forth below or anything related to exhibits, contact this division's clerk at (602) 372-1153.

- Exhibits should be submitted to the clerk separated by a tabbed and numbered divider. Staple or otherwise secure each individual exhibit so that pages do not become separated. If an exhibit is too heavy or large for a hanging file folder, place it in a binder. **Exhibits not securely bound or bound with binder clips, paper clips, or rubber bands will not be accepted.**
- The list of exhibits should contain the case number and caption, the scheduled trial date, the party submitting the exhibits, the exhibit number, and a simple description of the exhibit. Keep the descriptions of the exhibits **simple**. Do not use a description that cannot be verified by looking at the document or item. **Do not include Bates numbers** in your description of the exhibits.
- Exhibits shall be marked numerically and consecutively beginning with Plaintiff's exhibits and continuing sequentially with Defendant's exhibits (e.g. Plaintiff's

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- exhibits 1, 2, 3, Defendant's exhibits 4, 5, 6). **Do not skip numbers.** Numbers will not be skipped or saved in anticipation of additional exhibits not yet submitted. Any missing or skipped exhibits shall be designated as "**Unused.**" Additional exhibits, if necessary, may be marked during the course of trial.
- Counsel shall eliminate duplication of exhibits; duplicate exhibits **will not** be marked. If duplicate exhibits exist and they are removed by the clerk and not marked, the court's numbering will not be consistent with the numbering counsel provided. Counsel shall, therefore, confer regarding exhibits to ensure that there are no duplicates.
  - **Do not list depositions** on the exhibit description list because depositions are not marked as exhibits. Original depositions shall be provided to the clerk at the time of trial for filing directly into the court record. Counsel shall retain a copy of the depositions for their use during the trial. The original depositions remain with the clerk to be used as reference by the trial judge during testimony.
  - Posterboards and large items may only be used for demonstrative purposes. Counsel shall advise opposing/other counsel of any demonstrative posterboards or other items at least three (3) judicial days prior to trial. Counsel may bring posterboards and large items to court to use during trial, however, if counsel intends any posterboards or large items marked as an exhibit, they must provide the clerk with an 8-1/2 x 11 photograph/copy of the item and include the photograph/copy in the submitted list of exhibits.

**Courtroom equipment.** Please contact this Division's Judicial Assistant well in advance of trial to discuss logistics regarding your electronic presentation equipment at **(602) 372-1160.**

The parties are advised that this calendar is being assumed by Judge James D. Smith effective June 25, 2018. The address and telephone number for Judge Smith is set forth below and applies to all matters being heard in court or telephonically on or after June 25, 2018:

**THE HONORABLE JAMES D. SMITH  
MARICOPA SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
8<sup>th</sup> FLOOR-COURTROOM 814  
PHOENIX, AZ 85003  
PHONE: 602-372-5945**

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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: \_\_\_\_\_