

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-013832

04/04/2018

HON. DANIEL G. MARTIN

CLERK OF THE COURT
J. Eaton
Deputy

PETER S DAVIS

GEOFFREY M STURR

v.

CLARK HILL P L C, et al.

JOHN E DEWULF

RULE 16(d) SCHEDULING CONFERENCE SET

The Court has reviewed the parties' Joint Report and Scheduling Order. Experimental Rule 8.1 of the Arizona Rules of Civil Procedure directs the Court to hold an in-person Scheduling Conference for all Commercial Cases.

IT IS THEREFORE ORDERED setting a Rule 16(d) Scheduling Conference on **May 4, 2018, at 8:30 a.m. (time allotted: 30 minutes) before:**

**THE HONORABLE DANIEL G. MARTIN
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 W JEFFERSON
4TH FLOOR, COURTROOM 412
PHOENIX, AZ 85003
TEL 602-372-2925**

IT IS FURTHER ORDERED that counsel and any self-represented litigants shall appear in person at the Scheduling Conference.

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IT IS FURTHER ORDERED that clients residing within Maricopa County shall appear in person at the Scheduling Conference. Clients residing outside of Maricopa County may appear in person or telephonically.

IT IS FURTHER ORDERED that the parties shall be prepared to discuss the following possibilities to limit litigation costs and to expedite early resolution of the case:

1. The scope of discovery, including discovery limitations and proportionality, particularly with respect to Electronically Stored Information (“ESI”) (*see* ESI Checklist attached to Rule 8.1 on the Court’s website);
2. Sequencing of discovery to facilitate an early mediation/settlement conference, or the early resolution of dispositive or partially dispositive motions;
3. Submitting one or more issues for a bench trial;
4. Stipulations regarding ESI, claw-back agreements, protective orders ;
5. The timing and forum for alternative dispute resolution;
6. The expected number of experts, their areas of expertise and deadlines for disclosure of expert opinions;
7. Whether any *Daubert* challenges are expected;
8. Sequencing of dispositive or partially dispositive motions; and
9. The Court’s dispute resolution order:

IT IS ORDERED that the dispute resolution procedures outlined below shall apply to the following circumstances: (1) the parties have a discovery dispute that needs to be addressed; (2) one party seeks to compel another party to take some action; or (3) a party intends to seek sanctions against another party. Under any of these circumstances, counsel shall personally confer by phone or in person in an effort to reach a resolution. If they are unsuccessful, counsel for the movant shall contact the Court’s Judicial Assistant and all other counsel to advise them of his/her request for a telephonic hearing. The moving party shall, by close of the following business day, email the Court’s Judicial Assistant a one-page summary of the dispute. The opposing parties shall email a responsive one-page summary within two business days of receiving the movant’s summary. No exhibits shall be included with the summaries. If, after reviewing a summary, the Court determines that it needs additional documents, division staff

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will contact the attorneys. The summaries will be filed with the clerk by the Court. Once the Court receives a summary from each party, the Court's Judicial Assistant will contact the parties to schedule a telephonic conference. The email address for the Court's Judicial Assistant, Irene Hendricks-Jones, is hendricksi@superiorcourt.maricopa.gov.

IT IS FURTHER ORDERED that no party shall include more than one motion in a single filing or combine a response and a motion or a reply and a motion in one filing (with the exception of a true cross-motion for summary judgment). This order applies to requests for attorneys' fees or sanctions. Such requests must be made by separate motion.

IT IS FURTHER ORDERED that no party shall file supplemental briefing without leave of court.

IT IS FURTHER ORDERED that all citations shall be included in the body of the brief and not in footnotes.