

APPENDIX B

A P P E N D I X B

APPENDIX B



Case Information

Case Number: C20113008

Filing Date: 4/22/2011

Caption: CRAIG A GROETHE VS. TOWN OF SAHUARITA



Judge: JAMES E MARNER



Party Information

| Party Full Name | Party Role | Name Type | DOB |
|--------------------------|------------|-----------|-----|
| <u>CRAIG A GROETHE</u> | Plaintiff | True | |
| <u>CRAIG A GROETHE</u> | Plaintiff | True | |
| <u>TOWN OF SAHUARITA</u> | Defendant | True | |



Case/Document Information

| Document Type | Document SubType | Document Caption | File Date | Image |
|---------------|----------------------------|--|-----------|-------------------------|
| CourtNotice | Inactive Notice | IN CHAMBERS RE: SETTLEMENT NOTICE AND PLACEMENT ON INACTIVE CALENDAR | 3/1/2013 | Available |
| Notice | Notice Of Settlement/Offer | NOTICE OF SETTLEMENT | 2/25/2013 | Available at Courthouse |

| | | | | |
|-------------|---------------------------------------|--|------------|-------------------------|
| ME | Status Conference | STATUS CONFERENCE | 1/14/2013 | Available |
| ME | Motions | MOTIONS IN LIMINE | 1/11/2013 | Available |
| Motion | Motion For Supplemental Proceedings | MOTION FOR SUPPLEMENT THE JOINT PRETRIAL STATEMENT | 1/7/2013 | Available at Courthouse |
| Motion | Motion In Limine | PLT'S MOTION IN LIMINE #2 REGARDING PRIOR CONVICTIONS | 1/2/2013 | Available at Courthouse |
| Pststate | Pretrial Statement | JOINT PRETRIAL STATEMENT | 1/2/2013 | Available at Courthouse |
| Motion | Motion In Limine | PLT'S MOTION IN LIMINE #3 RE: CIVIL LAWSUIT | 1/2/2013 | Available at Courthouse |
| Order | Order | ORDER JOINT PRETRIAL STATEMENT MOTIONS IN LIMINE MARKED DEPOSITIONS SHALL BE FILED BY 1/4/2013 | 12/20/2012 | Available at Courthouse |
| Motion | Motion To Amend/Modify | JOINT MOTION TO MODIFY DATES & REQUEST FOR HEARING ON MOTIONS IN LIMINE & OBJECTIONS TO DEPOSITION T | 12/19/2012 | Available at Courthouse |
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFTS 5TH SUPPLEMENTAL DISCLOSURE STATEMENT | 12/13/2012 | Available at Courthouse |
| Ruling | In Chambers Under Advisement Re: | IN CHAMBERS UNDER ADVISEMENT RE: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT | 10/18/2012 | Available at Courthouse |
| ME | Motions | THE TOWN OF SAHUARITA'S MOTION FOR SUMMARY JUDGEMENT | 10/9/2012 | Available |
| Answer | Reply In Support/In Opposition | TOWN OF SAHUARITA'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT | 10/2/2012 | Available at Courthouse |
| Order | Order Granting | ORDER GRANTING STIPULATION TO EXTEND REPLY DATE TO MOTION FOR SUMMARY JUDGMENT | 8/23/2012 | Available at Courthouse |
| Stipulation | Stipulation To Extend | STIPULATION TO EXTEND DATE TO FILE REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT & TO EXTEND HEARI | 8/21/2012 | Available at Courthouse |
| CourtNotice | Notice Re: Reassignment | Notice Re: Reassignment | 8/7/2012 | Available |
| Answer | Answer/Response To Statement Of Facts | PLT'S RESPONSE TO STATEMENT OF FACTS IN SUPPORT OF OPPOSITION TO DEFN'S MOTION FOR SUMMARY JUDGMENT | 7/27/2012 | Available at Courthouse |
| Oppose | Opposition To Motion | PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT | 7/27/2012 | Available at Courthouse |
| ME | Status Conference | STATUS CONFERENCE/PLAINTIFF'S MOTION IN LIMINE | 7/17/2012 | Available |
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFENDANTS 4TH SUPPLEMENTAL RULE 26.1 DISCLOSURE STATEMENT | 6/29/2012 | Available at Courthouse |

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|-----------------|---|---|-----------|-------------------------|
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFENDANT'S 3RD SUPPLEMENTAL RULE 26.1 DISCLOSURE STATEMENT | 6/28/2012 | Available at Courthouse |
| Notice | Notice Of Hearing | NOTICE OF HEARING OF THE TOWN OF SAHUARITAS MOTION FOR SUMMARY JUDGMENT | 6/25/2012 | Available at Courthouse |
| Statement/facts | Statement Of Facts | DEFENDANT'S SEPARATE STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT | 6/22/2012 | Available at Courthouse |
| Motion | Motion For Summary Judgment | THE TOWN OF SAHUARITA'S MOTION FOR SUMMARY JUDGMENT | 6/22/2012 | Available at Courthouse |
| Order | Order To Extend/Shorten | ORDER GRANTING STIPULATION TO EXTEND DATE TO FILE MOTION FOR SUMMARY JUDGMENT | 6/14/2012 | Available at Courthouse |
| Stipulation | Stipulation To Extend | STIPULATION TO EXTEND DATE TO FILE MOTION FOR SUMMARY JUDGMENT | 6/13/2012 | Available at Courthouse |
| Notice | Notice Of Appearance | NOTICE OF APPEARANCE | 5/16/2012 | Available at Courthouse |
| Answer | Answer/Response To Opposition | REPLY TO DEFTS OPPOSITION TO PLTFS MOTION IN LIMINE #1 | 5/1/2012 | Available at Courthouse |
| CourtNotice | In Chambers | IN CHAMBERS RE: PLAINTIFF'S MOTION IN LIMINE #1 | 4/30/2012 | Available |
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFT'S SECOND SUPPLEMENTAL DISCLOSURE STATEMENT | 4/23/2012 | Available at Courthouse |
| Oppose | Opposition To Motion | OPPOSITION TO PLNTFF'S MOTION IN LIMINE #1 | 4/23/2012 | Available at Courthouse |
| Notice | Notice Of Deposition/Disclosure/Interrogatories/Discovery | SECOND AMENDED NOTICE OF VIDEO-TAPED DEPOSITION | 4/20/2012 | Available at Courthouse |
| Order | Order Granting | ORDER GRANTING STIPULATION TO EXTEND RESPONSE DATE TO MOTION IN LIMINE | 4/17/2012 | Available at Courthouse |
| Stipulation | Stipulation To Extend | STIPULATION TO EXTEND RESPONSE DATE TO MOTION IN LIMINE | 4/16/2012 | Available at Courthouse |
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFT'S INITIAL RULE 26.1 DISCLOSURE STATEMENT | 3/27/2012 | Available at Courthouse |
| Motion | Motion In Limine | MOTION IN LIMINE #1 - PLAINTIFFS | 3/27/2012 | Available at Courthouse |
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFT'S OBJECTIONS & RESPONSES TO UNIFORM INTERROGATORIES | 3/13/2012 | Available at Courthouse |
| CourtNotice | Trial Notice | IN CHAMBERS CIVIL TRIAL NOTICE | 2/17/2012 | Available |
| Motion | Motion To Set & Certificate of Readiness | MOTION TO SET & CERTIFICATE OF READINESS | 1/25/2012 | Available at Courthouse |
| CourtNotice | Inactive Notice | INACTIVE NOTICE | 1/20/2012 | Available |

Available at

FIRST AMENDED NOTICE OF VIDEO TAPED

1/20/2012

| Notice | NOTICE OF Deposition/Disclosure/Interrogatories/Discovery | FIRST AMENDED NOTICE OF VIDEO-TAPED DEPOSITION | 11/23/2011 | Available at Courthouse |
|-------------|---|--|------------|-------------------------|
| Notice | Notice Of Service | NOTICE OF SERVICE OF DEFT'S INTERROGATORIES | 11/8/2011 | Available at Courthouse |
| Notice | Notice Of Deposition/Disclosure/Interrogatories/Discovery | NOTICE OF VIDEO-TAPED DEPOSITION | 11/8/2011 | Available at Courthouse |
| Receipt | All Money Receipts | All Money Receipts #1550478 | 5/25/2011 | Available at Courthouse |
| Answer | Answer/Response To Complaint | ANSWER OF DEFENDANT | 5/26/2011 | Available at Courthouse |
| Affidavit | Affidavit Of Service | AFFIDAVIT OF SERVICE | 4/27/2011 | Available at Courthouse |
| Receipt | All Money Receipts | All Money Receipts #1534050 | 4/22/2011 | Available at Courthouse |
| Arbitration | Certificate Of Compulsory Arbitration | Certificate of Compulsory Arbitration | 4/22/2011 | Available at Courthouse |
| Open | Petition & Complaint | Petition & Complaint | 4/22/2011 | Available at Courthouse |

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT RASH
JUDGE

CASE NO. C20113008

DATE: February 17, 2012

CRAIG A GROETHE
Plaintiff

VS.

TOWN OF SAHUARITA
Defendant

NOTICE

IN CHAMBERS CIVIL TRIAL NOTICE

IT IS ORDERED setting a **Jury Trial** on **September 11, 2012** at **9:00 AM**, for **8 days**.

IT IS FURTHER ORDERED setting a **Status Conference** on **July 16, 2012**, at **9:00 A.M.** The purpose of the Mandatory Status Conference is to have counsel confer with the Court approximately 60 days prior to trial to resolve any discovery matters or other matters relevant to the trial of the case and to explore settlement options.

IT IS FURTHER ORDERED:

- (1) All requests to modify the trial date, including notice of trial conflicts are to be filed by **March 5, 2012**.
- (2) All dispositive motions shall be filed no later than **June 13, 2012**, **OR** if the original trial date is continued, 90 days prior to trial.
- (3) Final disclosures are to be made no later than **June 28, 2012**, **OR** if the original trial date is continued, 75 days prior to trial.
- (4) All discovery is to be completed no later than **July 13, 2012**, **OR** if the original trial date is continued, 60 days prior to trial (discovery request must be served so they may be completed by the 60 day deadline. This deadline does not relieve the parties of their continuing obligation to supplement the disclosure as otherwise required under Arizona Rules of Civil Procedure Rule 26 through 37.)
- (5) All Motions in Limine shall be filed in accordance with Arizona Rules of Civil Procedure 7.2; Before filing a Motion in Limine, parties are encouraged to review *Berger v. Sup. Ct.*, 108 Ariz. 396 (1972).

Kristi Karlik
Judicial Administrative Assistant

NOTICE

- (6) If there is a settlement or the case is otherwise resolved, counsel will immediately advise the Court. One day's jury fees will be assessed unless the Court is notified of the settlement before 12:00 noon on the judicial day before trial.
- (7) A joint pretrial statement, compliant with Arizona Rule of Civil Procedure 16(d), shall be filed, with a copy to this Division, not less than twenty (20) days prior to trial; failure to do so may cause assignment of this case to the Inactive Calendar and its dismissal in 60 days without further notice. Failure in good faith to prepare or assist in the preparation of the joint pretrial statement shall subject offending counsel to the sanctions set forth in Arizona Rules of Civil Procedure 16(f).
- (8) As a general rule, if an objection of non-disclosure is made at trial, the burden shall be on the party offering the particular line of testimony, exhibit or the like, to show that **written notice was timely given** (at least 60 days prior to trial) of the testimony/document in dispute. Counsel are advised to have all disclosure statements, correspondence or other written documents establishing notice, available in the courtroom, at trial. A party's failure to produce such written evidence, immediately after an objection of non-disclosure is made, will generally result in the exclusion of that evidence.
- (9) In addition to the requirement of the Arizona Rules of Civil Procedure Rule 16(d)(2)(F), the parties shall submit to the trial judge twenty (20) days prior to the trial, one copy of each deposition transcript. On that copy, each party's offered testimony shall be highlighted in separate colors (e.g., yellow/Plaintiffs, blue/Defendants). It is the obligation of the counsel to arrange a hearing to obtain rulings on objections prior to trial. This should be, at the time of hearing on Motions in Limine and not later than one week prior to trial. Failure to do so will result in either waiver of objections or rejection of offered testimony. The Court cautions counsel regarding over designation of transcript testimony. Further, summaries are an effective means of giving information to the jury. This Court may require, at the request of any party, a deposition summary and will consider sanctions for unreasonable objections.
- (10) The Friday before the first day of jury trial, counsel shall submit to the trial judge an original and one copy of all instructions, forms of verdict; a joint draft of preliminary instructions; and interrogatories which counsel intend to request the Court submit to the jury, if any, and counsel's suggestions for questions on Voir Dire.
- (11) During the week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the clerk of this Division or the Second Floor Clerk's Office with all exhibits. Please advise the clerk which exhibits may be marked directly into evidence. Trial counsel shall also provide to the Judge a set of the paper exhibits.
- (12) Exhibits: Each separate exhibit intended to be offered shall be listed together with specific objections. Counsel are cautioned as to unnecessary foundation objections. See *Shepherd v. Crow*, 192 Ariz. 539, 968 P.2d 612 (1998).

Kristi Karlik

Judicial Administrative Assistant

NOTICE

- (13) All parties are advised that multiple cases are set before this Division and all other division each week. Generally, the matter with the lowest case number is entitled to preference if two or more cases are prepared to proceed to trial on a given date. It is the obligation of counsel to check with the J.A.A. in this Division as the trial date approaches in order to determine the status of their particular case in terms of trial priority.
- (14) Trial Continuances: Trial continuances will not automatically be granted and a hearing is necessary. Further, the *Pima County Superior Court Policy Re: Continuances of Civil Trial Settings for Good Cause Shown* must be complied with. A copy of this policy is available upon request.
- (15) No discovery motion will be set or heard without compliance with Rule 26(g), which requires **personal** consultation, not an exchange of correspondence. Counsel/parties are reminded of sanctions under Rule 26(f). The Court encourages the scheduling of joint Telephonic Conferences on minor issues.
- (16) Pursuant to Pima County Local Rules of Practice, Rule 3.5, the Court will not give out hearing dates over the telephone for motions, other than on an emergency basis. Hearing dates must be obtained by bringing the motion and separate notice of hearing, together with appropriate copies, to this Division for scheduling. Pursuant to Rule 3.5(b) of Pima County Rules, any motions for which hearing dates are not requested will be decided without oral argument, unless the other party(ies) request(s) a hearing.
- (17) The American College of Trial Lawyers has an adopted Code of Pretrial Conduct and Code of Trial Conduct. This Code describes professional Pretrial and Trial Conduct which this Court will expect and enforce except to the extent that other rules or law may apply. These Codes may be found at www.actl.com.
- (18) Status Conferences may be heard by telephone conference call. Counsel requesting a telephonic status conference are to obtain the Court's approval and contact opposing counsel to obtain approval and offer that he/she/they may appear telephonically in a conference call arranged by requesting counsel. Requesting counsel are to initiate any conference call on the date and time scheduled. The Court's telephone number is: (520) 740-8045 / 740-8314.
- (19) Counsel are to ensure that copies of documents (motions, oppositions, etc.) necessary for a Judicial ruling or decision are to be delivered to this Division. See Pima County Local Rule 5.4. The original shall be filed with the Clerk of Court. The parties are to refrain from lodging with this Division copies of "Notice of Service" of any discovery papers or pleadings.

cc: Donald T. Averkamp, Esq.
Ivelisse Bonilla-Torrado, Esq.
Todd E. Hale, Esq.
Case Management Services - Civil

Kristi Karlik
Judicial Administrative Assistant

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. SCOTT RASH
JUDGE

CASE NO. C20113008

COURT REPORTER: Diane Sonntag
Courtroom - 774

DATE: July 16, 2012

CRAIG A GROETHE
Plaintiff

Donald T. Awerkamp, counsel for Plaintiff

VS.

TOWN OF SAHUARITA
Defendant

Todd E. Hale, counsel for Defendant

MINUTE ENTRY

STATUS CONFERENCE//PLAINTIFF'S MOTION IN LIMINE

No parties are present.

Mr. Awerkamp and Mr. Hale argue their respective positions to the Court.

The Court and counsel further discuss the matter.

Based upon the pleadings and arguments of counsel,

IT IS ORDERED that the Plaintiff's Motion in Limine is DENIED. The Plaintiff is given leave to renew the motion at the time of trial after presentation of testimony.

At the request of counsel and the Court believing additional discovery may be necessary in this case,

IT IS ORDERED that the Jury Trial currently set for September 11, 2012, is reset to January 15, 2013, at 9:00 a.m. Estimated time for trial is eight (8) days. All discovery/disclosure deadlines shall abide the previous trial notice.

cc: Hon. Scott Rash
Donald T. Awerkamp, Esq.
Todd E. Hale, Esq.

Brenda Ramirez
Deputy Clerk

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JAMES E MARNER

CASE NO. C20113008

COURT REPORTER: Karen Kahle
Courtroom - 774

DATE: January 10, 2013

CRAIG A GROETHE
Plaintiff

Donald T. Awerkamp, Esq., Appearing
Telephonically, counsel for Plaintiff

VS.

TOWN OF SAHUARITA
Defendant

Todd E. Hale, Esq., Appearing Telephonically,
counsel for Defendant

MINUTE ENTRY

STATUS CONFERENCE

No parties are present.

The Court and counsel confer regarding the status of the case.

Counsel advise the Court that this case may resolve, and counsel agree to continue the trial date.

IT IS ORDERED that the trial date set on January 15, 2013, is continued to February 26, 2013, at 9:00 AM in Division 10 for eight days.

Mr. Awerkamp withdraws the Plaintiff's Motion in Limine #2 regarding "after acquired" evidence; the motion may be re-filed at a later date if necessary.

cc: Hon. James E Marner
Donald T. Awerkamp, Esq.
Todd E. Hale, Esq.

Cassandra Kerton
Deputy Clerk