


APPENDIX C

A P P E N D I X C

APPENDIX C



Case Information

Case Number: C20111080
 Filing Date: 2/10/2011
 Caption: NATIONAL BANK OF ARIZONA VS. MW2 DEVELOPMENT CORPORATION ET AL. 
 Judge: KENNETH LEE



Party Information

Party Full Name	Party Role	Name Type	DOB
NATIONAL BANK OF ARIZONA	Plaintiff	True	
MW2 DEVELOPMENT CORPORATION	Defendant	True	
WAYNE SMITH	Defendant	True	
PETRINA SMITH	Defendant	True	
MARK H. WRIGHT	Defendant	True	
MARY LOU WRIGHT	Defendant	True	
M. & I. BANK	Garnishee	True	



Case/Document Information

<http://www.agave.cosc.pima.gov/PublicDocs/GetCase2.aspx?ID=1102629>

Document Type	Document Sub Type	Document Caption	File Date	Image
Notice	Notice Of Dismissal	NOTICE OF DISMISSAL OF WRIT OF GARNISHMENT	9/6/2012	Available at Courthouse
Answer	Answer/Response To Garnishment/Garnishee	ANSWER OF GARNISHEE	9/4/2012	Available at Courthouse
Order	Order Of Dismissal/Dismissing	ORDER FOR DISMISSAL WITH PREJUDICE AS TO WAYNE SMITH, PETRINA SMITH, MARK H WRIGHT & MARY LOU WRIGHT	8/30/2012	Available at Courthouse
Affidavit	Affidavit Of Service	AFFIDAVIT OF SERVICE UPON M & I BANK	8/28/2012	Available at Courthouse
Stipulation	Stipulation To Dismiss	STIPULATION FOR DISMISSAL W PREJUDICE AS TO W SMITH/P SMITH/M WRIGHT AND MARY LOU WRIGHT ONLY	8/24/2012	Available at Courthouse
Application	Application For Writ	APPLICATION FOR WRIT OF GARNISHMENT FOR MONIES OR PROPERTY	8/23/2012	Available at Courthouse
ME	Settlement Conference	SETTLEMENT CONFERENCE (CIVIL)	8/13/2012	Available
Mail	Outgoing/Incoming Mail/E-Mail	JUDGMENT/DECREE LETTER	6/13/2012	Available at Courthouse
Judgment	Judgment & Order	RULE 54B JUDGMENT AGAINST MW2 DEVELOPMENT CORPORATION	6/12/2012	Available at Courthouse
Notice	Statement Of Cost & Notice Of Cost	STATEMENT OF COSTS & NOTICE OF TAXATION OF COSTS AGAINST MW2 DEVELOPMENT CORP	5/21/2012	Available at Courthouse
Application	Application For Attorney Fees & Cost	PLTS APPLICATION FOR AN AWARD OF ATTORNEYS FEES AGAINST MW2 DEVELOPMENT CORP	5/21/2012	Available at Courthouse
Notice	Notice Of Lodging	NOTICE OF LODGING PROPOSED FORM OF JUDGMENT AGAINST MW2 DEVELOPMENT CORP	5/21/2012	Available at Courthouse
Order	In Chambers Re:	IN CHAMBERS ORDER RE PLAINTIFF'S OBJECTION TO JURY TRIAL	4/30/2012	Available at Courthouse
Answer	Reply In Support/In Opposition	PLNTF'S REPLY IN SUPPORT OF OBJECTION TO JURY TRIAL	4/26/2012	Available at Courthouse
Answer	Answer/Response To Opposition	RESPONSE TO OPPOSITION TO OBJECTION TO JURY TRIAL	4/16/2012	Available at Courthouse
CourtNotice	In Chambers	IN CHAMBERS	4/10/2012	Available
CourtNotice	In Chambers	IN CHAMBERS	4/9/2012	Available
Misc	Request For Hearing/Continuance	REQUEST FOR SETTLEMENT CONFERENCE	4/4/2012	Available at Courthouse
Notice	Notice Change Of Law Firm Or	NOTICE OF FIRM NAME CHANGE	4/4/2012	Available at

Attorney Address	Case Description	Date	Location
Oppose	OBJECTION TO JURY TRIAL	3/30/2012	Courthouse
CourtNotice	DIVISION 3	2/22/2012	Available at Courthouse
Motion	CONVERTING MOTION TO SET & CERTIFICATE OF READINESS	2/3/2012	Available at Courthouse
Motion	MOTION TO SET & CERTIFICATE OF READINESS FOR TRIAL	2/1/2012	Available at Courthouse
CourtNotice	INACTIVE NOTICE	12/16/2011	Available at Courthouse
ME	PLTS MOTION FOR SUMMARY JUDGMENT (7-18-11)DEFT SMITHS & WRIGHTS CROSS MOTION FOR SUMMARY JUDGMENT/P	11/18/2011	Available at Courthouse
Affidavit	AFFIDAVIT OF KAREN PLUNKETT	11/4/2011	Available at Courthouse
Notice	NOTICE OF FILING ORIGINAL AFFIDAVIT OF KAREN PLUNKETT	11/4/2011	Available at Courthouse
Oppose	PLAINTIFF'S OBJECTION TO DEFENDANTS SMITH & WRIGHTS REPLY IN SUPPORT OF CROSS-MOTION FOR SUMMARY JU	11/1/2011	Available at Courthouse
Notice	NOTICE OF HEARING	10/25/2011	Available at Courthouse
Misc	DECLARATION OF PAULA TRIMMER	10/24/2011	Available at Courthouse
Notice	NOTICE OF SERVICE OF FIRST SUPPLEMENTAL DISCLOSURE STATEMENT	10/24/2011	Available at Courthouse
Misc	REQUEST TO ALLOW PLAINTIFF'S COUNSEL TO APPEAR TELEPHONICALLY	10/24/2011	Available at Courthouse
Statementfacts	SMITH AND WRIGHTS SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF CROSS MOTION FOR SUMMARY JUDGMENT	10/24/2011	Available at Courthouse
Answer	SMITHS REPLY IN SUPPORT OF CROSS MOTION FOR SUMMARY JUDGMENT	10/24/2011	Available at Courthouse
Order	ORDER EXTENDING TIME FOR DEFTS SMITH AND WRIGHT TO REPLY IN SUPPORT OF CROSS MOTION FOR SUMMARY JUDG	10/13/2011	Available at Courthouse
Stipulation	STIPULATION TO EXTEND TIME FOR DEFTS TO REPLY IN SUPPORT OF CROSS MOTION FOR SUMMARY JUDGMENT	10/12/2011	Available at Courthouse
Answer	REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT & OPPOSITION	9/26/2011	Available at Courthouse
Answer	ANSWER/RESPONSE TO STATEMENT OF FACTS IN OPPOSITION TO MOTION	9/26/2011	Available at Courthouse
Order	ORDER EXTENDING PLTF'S TIME TO FILE ITS REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	9/14/2011	Available at Courthouse

Stipulation	Stipulation To Extend	STIPULATION TO EXTEND PLTF'S TIME TO FILE ITS REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	9/12/2011	Available at Courthouse
Affidavit	Affidavit In Support	DECLARATION OF DEFT WAYNE SMITH IN SUPPORT OF CONVERTING STATEMENT OF FACTS IN OPPOSITION	8/22/2011	Available at Courthouse
Affidavit	Affidavit In Support	DECLARATION OF DEFT MARK WRIGHT IN SUPPORT OF CONVERTING STATEMENT OF FACTS IN OPPOSITION	8/22/2011	Available at Courthouse
Statementfacts	Statement Of Facts	DEFTS SMITH & WRIGHT'S CONTROVERTING STATEMENT OF FACTS IN OPPOSITION TO PLNTF'S MOTION FOR SUMMARY	8/22/2011	Available at Courthouse
Oppose	Opposition To Motion	OPPOSITION TO PLNTF'S MOTION FOR SUMMARY JUDGMENT & DEFTS SMITH & WRIGHT'S CROSS MOTION	8/22/2011	Available at Courthouse
Answer	Answer/Response To Motion	DEFT MW2 DEVELOPMENT CORP.'S RESPONSE TO PLNTF'S MOTION FOR SUMMARY JUDGMENT	8/22/2011	Available at Courthouse
Notice	Notice Of Errata/Error	PLTF'S NOTICE OF ERRATA	7/22/2011	Available at Courthouse
Affidavit	Affidavit Of A Person	AFFIDAVIT OF KAREN PLUNKETT	7/18/2011	Available at Courthouse
Motion	Motion For Summary Judgment	MOTION FOR SUMMARY JUDGMENT	7/18/2011	Available at Courthouse
Statementfacts	Statement Of Facts	PLTF'S STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	7/18/2011	Available at Courthouse
Notice	Notice Of Service	NOTICE OF SERVICE OF DEFNS' INITIAL DISCLOSURE STATEMENT	5/25/2011	Available at Courthouse
Receipt	All Money Receipts	All Money Receipts #1515853	3/18/2011	Available at Courthouse
Answer	Answer/Response To Complaint	ANSWER AND DEMAND FOR JURY TRIAL	3/18/2011	Available at Courthouse
Affidavit	Affidavit Of Service	AFFIDAVIT OF SERVICE UPON MARK H. WRIGHT	2/24/2011	Available at Courthouse
Affidavit	Affidavit Of Service	AFFIDAVIT OF SERVICE UPON MW2 DEVELOPMENT CORP.	2/16/2011	Available at Courthouse
Affidavit	Affidavit Of Service	AFFIDAVIT OF SERVICE ON WAYNE SMITH & PETRINA SMITH	2/15/2011	Available at Courthouse
Receipt	All Money Receipts	All Money Receipts #1496777	2/10/2011	Available at Courthouse
Arbitration	Certificate Of Compulsory Arbitration	Certificate of Compulsory Arbitration	2/10/2011	Available at Courthouse
Open	Petition & Complaint	Petition & Complaint	2/10/2011	Available at Courthouse

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

NATIONAL BANK OF ARIZONA VS. MW2 DEVELOPMENT CORPORATION ET AL.

**CASE: C20111080
DATE: 12/16/2011**

**FILED
PATRICIA A. NOLAN
CLERK, SUPERIOR COURT
2011 DEC 16 PM 4:13
J. MITCHELL, DEPUTY**

INACTIVE NOTICE

Please take notice that pursuant to Rule 38.1(d), Arizona Rules of Civil Procedure, this case has been placed on the inactive calendar. All unadjudicated claims and /or temporary orders will be dismissed without further notice after 60 days unless:

- (1) A proper Motion to Set and Certificate of Readiness is filed pursuant to Rule 38.1(a), Arizona Rules of Civil Procedure, and Local Rule 3.5, or
- (2) The court orders, for good cause shown that the case be continued on the inactive calendar for a specific time; or
- (3) A final judgment is entered.

If you have reason to believe this notice has been issued in error, please call **CASE MANAGEMENT SERVICES, INACTIVE/DISMISSAL OFFICE, at 520-740-3551.**

**BY: GAIL RUEHL
Case Management Services**

**PLAINTIFF
NATIONAL BANK OF ARIZONA**

VS

**DEFENDANT
SMITH, WAYNE
SMITH, PETRINA
WRIGHT, MARK H
WRIGHT, MARY LOU**

**cc: EVAN L. THOMPSON, ESQ.
HEATHER BOYSEL, ESQ.
KEVIN J. BLAKLEY, ESQ.
RUSSELL E. KRONE, ESQ.**

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. KENNETH LEE
JUDGE

CASE NO. C20111080

DATE: February 22, 2012

NATIONAL BANK OF ARIZONA
Plaintiff

VS.

MW2 DEVELOPMENT CORPORATION,
WAYNE SMITH, PETRINA SMITH,
MARK H WRIGHT, and
MARY LOU WRIGHT
Defendants

NOTICE

DIVISION 3--JURY TRIAL

IT IS ORDERED setting a **Jury Trial** on **Tuesday, December 18, 2012, at 9:00 AM, for 3 Days.**

IT IS FURTHER ORDERED setting a **Status Conference** on **Tuesday, October 09, 2012, at 9:00 AM.**

IT IS FURTHER ORDERED:

- (1) All discovery is to be completed not later than 60 days prior to trial.
- (2) Final disclosures are to be made not later than 60 days prior to trial.
- (3) All dispositive motions shall be filed not later than 90 days prior to trial.
- (4) Any Motion challenging the admissibility of an expert's opinion, pursuant to A.R.S. §12-2203, shall be filed not later than 90 days before trial.
- (5) All Motions in Limine shall be filed not later than 30 days prior to trial; responses to Motions in Limine shall be filed not later than 20 days prior to trial; no replies are to be filed.
- (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) 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

Mary Ann Ritz

Judicial Administrative Assistant

NOTICE

other party(ies) request(s) a hearing.

- (8) A joint pretrial statement, compliant with Arizona Rules of Civil Procedure Rule 16(d), shall be filed, with a copy to this Division, not less than twenty (20) days prior to trial; failure to do so will 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 Rule 16(f).
- (9) 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.
- (10) In addition to the requirement of the rule [Arizona Rules of Civil Procedure Rule 16(d)], 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) Requests for Continuance of the trial date will be considered in light of the Court's policy on trial continuance. Copy available upon request.

Mary Ann Ritz

Judicial Administrative Assistant

NOTICE

cc: Hon. Kenneth Lee
Christopher L Hering, Esq.
Evan L. Thompson, Esq.
Heather Boysel, Esq.
Kevin J. Blakley, Esq.
Russell E. Krone, Esq.

Mary Ann Ritz
Judicial Administrative Assistant