

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

FILED
O'clock
APR 08 2005
BY JEANNI [Signature]
Deputy

DIVISION PRO TEM A

HON. RALPH M. HESS

CASE NUMBER: CV 2003-0399

DATE: April 6, 2005

TITLE:

COUNSEL:

JOHN B. CUNDIFF and BARBARA C. CUNDIFF, husband and wife; ELIZABETH NASH, a married woman dealing with her separate property; KENNETH PAGE and KATHRYN PAGE, as Trustee of the Kenneth Page and Catherine Page Trust,

(Plaintiffs)

David K. Wilhelmsen, Esq.
Marguerite M. Kirk, Esq.
FAVOR, MOORE & WILHELMSEN
(For Plaintiffs)

vs.

DONALD COX and CATHERINE COX, husband and wife,

(Defendants)

Mark W. Drutz, Esq.
Jeffrey R. Adams, Esq.
MUSGROVE, DRUTZ & KACK
(For Defendants)

NOTICE OF HEARING

This matter having been assigned to this Division for the purpose of conducting a Settlement Conference,

THE COURT sets this matter for a Settlement Conference on **June 20, 2005 at 2:30 p.m.**, Division Pro Tem A, with two (2) hours allotted. All parties shall be present in person and each side shall have a representative or a party who is authorized to settle the case. There will be no telephonic appearances. Should any party appear without authority to settle or a representative with full settlement authority, the Court may vacate the Settlement Conference.

THE COURT FURTHER ORDERS that each party is to furnish the Court with a Settlement Conference Memorandum. **Each memoranda is due by 5:00 p.m. seven (7) judicial days prior to the scheduled conference or the Settlement Conference may be vacated.**

APR 06 2005

:clr

cc: David K. Wilhelmsen, Esq./Marguerite M. Kirk, Esq.
Mark W. Drutz, Esq./Jeffrey R. Adams, Esq.

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GUIDELINES FOR FORMULATING A PRETRIAL SETTLEMENT MEMORANDUM

If the memorandum is confidential (not exchanged among counsel), it should be totally candid, brief, non-adversarial and should cover the following (if exchanged, it may exclude some of these points):

1. Include a brief description of the events giving rise to the lawsuit. Attach law enforcement or investigative reports, if available.
2. Set forth the significant issues in dispute (i.e., pre-existing health problems, lack of probable income loss, extent of impact, etc.).
3. Include a list of "special" damages (medical bills, wage loss, property damage, etc.).
4. Attach important medical or expert reports (or parts of them), a brief summary, or both. No attachment should be more than two pages.
5. Attach a very limited number of specific and important pages from key depositions, and/or briefly summarize the key depositions, if counsel believes this to be truly necessary.
6. Label each attachment. If there are more than a few, submit an index and tab them for ease of review.
7. Describe, chronologically, settlement offers made and received. It is not necessary to set forth what you will accept or give in order to settle the case. If non-monetary relief is sought, please explain it.
8. Photographs can frequently be helpful (extent of damage, scarring, etc.). Either attach them to the memo or bring them to the conference.
9. Analysis of liability, if in issue, including probability of Plaintiff's verdict if liability is established.
10. Analysis of allocation of fault, including ranges of allocation and most likely jury allocation.
11. Any new or different suggestions for resolving the dispute which may not have previously been communicated to the opposing parties.