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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF PIMA**

RENEE HATTON, individually and on behalf of  
the statutory beneficiaries of JANIS FRIEND,

Plaintiffs,

v.

GROBET USA; POSNER'S ART STORE, INC.;  
TRIARCO ARTS & CRAFTS, LLC;  
VANDERBILT MINERALS LLC, f/k/a  
VANDERBILT COMPANY, INC., individually  
and as successor-in-interest to GOUVERNEUR  
TALC COMPANY, INC., and FICTITIOUS  
DEFENDANTS, FIRST DOE through  
SEVENTY-FIFTH DOE,

Defendants.

Case No.: C20200532

**SCHEDULING ORDER**

***MODIFIED BY THE COURT***

(Discovery Tier 3)

(Assigned to Division 26)

Hon. Judge Kellie Johnson

Upon consideration of the parties' Joint Report, the court orders as follows

:

1           **1. Initial disclosures:** The parties' initial disclosures shall be completed by **July 1,**  
2 **2022.**

3           **2. Private mediation:** The parties shall participate in mediation using a private  
4 mediator agreed to by the parties. The parties shall complete mediation by **December 30,**  
5 **2022.** All attorneys and their clients, all self-represented parties, and any non-attorney  
6 representatives who have full and complete authority to settle this case shall appear and  
7 participate in good faith in this mediation personally or electronically through a remote or  
8 telephonic appearance.  
9

10           **3. Expert witness disclosure:** The parties shall simultaneously disclose areas of  
11 expert testimony **September 2, 2022.** Plaintiff shall disclose the identity and opinions of  
12 experts by **January 13, 2023.** Defendants shall disclose the identity and opinions of experts by  
13 **March 3, 2023.** The parties shall simultaneously disclose rebuttal expert opinions, if any, by  
14 **March 31, 2023.**  
15

16           **4. Lay (non-expert) witness disclosure:** The parties shall disclose all lay witnesses  
17 by **November 4, 2022.**  
18

19           **5. Final supplemental disclosure:** See attached "Exhibit A" for the parties'  
20 respective positions. Each party shall provide final supplemental disclosure by **June 16, 2023.**  
21 This order does not replace the parties' obligation to seasonably disclose Rule 26.1 information  
22 on an on-going basis and as it becomes available.  
23

24           **No party shall use any lay witness, expert witness, expert opinion, or exhibit**  
25 **at trial not disclosed in a timely manner, except upon order of the court for good cause**  
26 **shown or upon a written or an on-the-record agreement of the parties.**  
27

28           a. Triarco requests that the following language—to which Plaintiff objects—be  
29 inserted here: "**Lay and party witnesses need not be disclosed by the lay**

1                    **witness disclosure date to be used at trial. Lay and party witnesses may**  
2                    **be added after that date and be used at trial as long as they are included**  
3                    **in the Final Supplemental Disclosure.”**  
4

5            **6.     *Discovery deadlines:*** See attached “Exhibit A” for the parties’ respective  
6 positions. The parties will propound all discovery undertaken pursuant to Rules 33 through 35  
7 by **February 24, 2023**. The parties will complete the depositions of parties and lay witnesses  
8 by **April 28, 2023** and will complete the depositions of expert witnesses by **June 2, 2023**. The  
9 parties will complete all other discovery by **June 2, 2023**. (“Complete discovery” includes  
10 conclusion of all depositions and submission of full and final responses to written discovery.)  
11

12            **7.     *Dispositive motions:*** See attached “Exhibit A” for the parties’ respective  
13 positions. The parties shall file all dispositive motions by **June 29, 2023**.  
14

15            **8.     *Trial setting conference:*** See attached “Exhibit A” for the parties’ respective  
16 positions. On **July 15, 2022 at 10:00 a.m.**, the court will conduct trial setting conference.  
17 Attorneys and self-represented parties shall have their calendars available for the conference.

18            The hearing will be conducted using Microsoft TEAMS. A TEAMS invite will be sent  
19 by the Judicial Assistant prior to the hearing .  
20

21            **9.     *Firm dates:*** No stipulation of the parties that alters a filing deadline or a hearing  
22 date contained in this scheduling order will be effective without an order of this court  
23 approving the stipulation. Dates set forth in this order that govern court filings or hearings are  
24 firm dates and may be modified only with this court’s consent and for good cause. This court  
25 ordinarily will not consider a lack of preparation as good cause.  
26  
27  
28  
29


1       **10. Further orders:**

- 2           *a. Posner's must provide notice of any non-party alt fault by August 6, 2022.*
- 3           *b. IT IS FURTHER ORDERED that any party that seeking to use a Case*
- 4               *Specific Written Questionnaire under Ariz. R. Civ. P. 47(c)(3) must inform*
- 5               *the Court no later than at the Trial Setting Conference that a*
- 6               *questionnaire is being requested. Any request for a questionnaire made*
- 7               *after the Trial Setting Conference will be denied as untimely.*
- 8

9       DATED: June 2, 2022.

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12       

13       HON. KELLIE JOHNSON

14       (ID: 15d602a1-6396-419f-8110-clbec6b53f8e)

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22                               **COURT NOTICE**

23                   THE ORIGINAL FILER MUST SERVE A COPY OF THIS

24                               ORDER/NOTICE/JUDGMENT

25                   ON ALL PARTIES HAVING APPEARED IN THIS CASE.

26

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