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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Qwest Corporation,

10 Plaintiff,

11 v.

12 Speedy Gonzalez Construction Inc.,

13 Defendant.

No. CV-16-03503-PHX-BSB

**ORDER**

14  
15 The Court held a final pretrial conference in this matter on July 18, 2018. This  
16 matter is set for a three-day bench trial **beginning Tuesday, September 11, 2018 and**  
17 **concluding no later than Thursday, September 13, 2018.** The trial will be held in  
18 Courtroom 304 of the Sandra Day O'Connor U.S. Courthouse, 401 West Washington  
19 Street, Phoenix, Arizona 85003. Unless otherwise ordered, time for trial each day shall  
20 be from 9:00 am to 12:00 noon and from 1:30 pm to 4:30 pm.

21 The Court and counsel discussed the Proposed Joint Final Pretrial Order (Doc. 43),  
22 filed July 12, 2018. The Court approves and adopts the Proposed Joint Final Pretrial  
23 Order as the Pretrial Order, subject to the following corrections and instructions  
24 regarding the allocation of trial time, a corrected exhibit list and deposition designations.

25 1. The parties are advised that the trial time will be allocated between them  
26 and the time for each side will be measured by a clock. Plaintiff will be allowed twelve  
27 hours to present its case, including direct and cross-examination of witnesses, opening  
28 statements, and closing arguments. Defendant will be allowed four hours to present its  
case, including direct and cross-examination of witnesses, opening statements, and

1 closing arguments. Counsel may check with court staff throughout the trial to determine  
2 the amount of time they have used.

3 2. The parties must file an amended exhibit list, and deliver the exhibits to the  
4 Court, no later than **five days before trial**. The parties must number and mark exhibits in  
5 accordance with the instructions found in Exhibit Procedures at [www.azd.uscourts.gov](http://www.azd.uscourts.gov)  
6 under Judges' Information/Orders, Forms and Procedures/Bridget S. Bade. The parties  
7 stipulate that they are not asserting objections to exhibits based on foundation or  
8 authenticity.

9 3. The parties must submit copies of the depositions that may be used at trial.  
10 The portions to be read or submitted at trial have been identified by page and line number  
11 in the final proposed pretrial order. The party offering the deposition must provide the  
12 Court with a copy of the offered deposition testimony no later than **five days before**  
13 **trial**. The offering party must highlight, in color, the portions of the deposition to be  
14 offered (indicating Plaintiff's designation in yellow and Defendant's designations in  
15 blue). The parties agree that Defendant's expert, John Scott Davenport, will testify in  
16 person at trial and that his testimony will not be presented by deposition. The parties also  
17 agree that Plaintiff may present the testimony of its employees Dagmar Marti Gude and  
18 Mary Ann O'Connor by deposition, as designated in the proposed final pretrial order.

19 The Court will not allow the parties to offer any exhibit, witness, or other evidence  
20 that was not disclosed in accordance with the Federal Rules of Civil Procedure and listed  
21 in the Proposed Joint Final Pretrial Order, except to prevent manifest injustice. Any  
22 objections that are not specifically raised in the Proposed Joint Final Pretrial Order are  
23 waived.

24 As stated on the record at the final pretrial conference, the Court denies  
25 Defendant's Motion to Extend Deadlines (Doc. 45), Defendant's Motion in Limine to  
26 Preclude Plaintiff's Evidence of Damages (Doc. 46), Defendant's Motion in Limine to  
27 Preclude Plaintiff's Exhibits (Doc. 47), and Defendant's Motion in Limine to Preclude  
28 Plaintiff's Witnesses. (Doc. 48.)

1 Counsel must review the Court's statement of Trial Conduct and Decorum before  
2 trial. A copy can be found on the Court's website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under:  
3 Judges' Information/Orders, Forms and Procedures/Bridget S. Bade.

4 Counsel may contact Brian Lalley in the Court's Systems Technology Department  
5 to make an appointment to familiarize themselves with the courtroom equipment.  
6 Counsel may also contact Judicial Assistant Ellen Weber at (602) 322-7680 for  
7 assistance, including making an appointment to inspect courtroom equipment.

8 In addition, counsel are reminded that they must submit the following information  
9 before trial:

10 1. To facilitate the creation of an accurate record, the parties must file a  
11 "Notice to Court Reporter" **one week before trial** containing the following information  
12 that may be used at trial:

- 13 (a) Proper names, including those of witnesses.
- 14 (b) Acronyms.
- 15 (c) Geographic locations.
- 16 (d) Technical terms, names, or jargon.
- 17 (e) Case names and citations.
- 18 (f) Pronunciation for unusual or difficult words or names.

19 Please also send (or transmit electronically) to the court reporter a copy of the  
20 concordance from key depositions.

21 Accordingly,

22 **IT IS ORDERED** setting a three-day bench trial in this matter for **September 11,**  
23 **2018.**

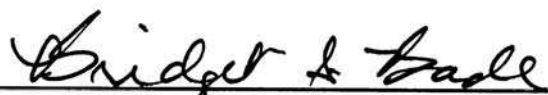
24 **IT IS FURTHER ORDERED** that the parties shall file an amended exhibit list  
25 and submit copies of deposition designations, five days before trial, as set forth in this  
26 Order.

27 **IT IS FURTHER ORDERED** that Defendant's Motion to Extend Deadlines  
28 (Doc. 45), Defendant's Motion in Limine to Preclude Plaintiff's Evidence of Damages

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(Doc. 46), Defendant's Motion in Limine to Preclude Plaintiff's Exhibits (Doc. 47), and Defendant's Motion in Limine to Preclude Plaintiff's Witnesses (Doc. 48) are **DENIED**.

Dated this 18th day of July, 2018.

  
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Bridget S. Bade  
United States Magistrate Judge