ARIZONA SUF'ERIOR COURT, PIMA COUNTY

JUDGE: HON. CARMINE CORNELIO CASE NO. C-

COURT REPORTER: NONE DATE:

Plaintiff

vs.

Defendant

STIPULATION FOR SUMMARY JURY TRIAL

The parties, by and through their counsel undersigned, hereby enter into the following stipulations regarding the trial of this action:

1. The trial of this action shall be conducted as a Summary Jury Trial on _____ and shall take no longer than one day in the selection of the jury, presentation of evidence, arguments presented by counsel and jury deliberations.

2. The verdict of the jury shall be binding and non-appealable. Judgment will be entered upon the verdict. No post-judgment relief shall be requested or granted.

3. Any live testimony presented at the trial of this action need not be recorded by a court reporter.

4. The jury panel shall be comprised of ten (10) jurors, who shall be called to the jury box for the purpose of *voir dire*. No for cause challenges shall be made; however, the Court may, on its own, excuse any juror and call any necessary replacement jurors.

5. The Court shall conduct *voir dire*. Counsel may be allowed to conduct *vior dire* with Court approval. Counsel shall submit any proposed *voir dire* questions to the Court at least three (3) working days before trial.

6. Each side shall be entitled to three (3) peremptory challenges.

7. The jury shall be comprised of four (4) jurors. The agreement of three (3) jurors shall be necessary for the jury to arrive at a verdict. In the event, after the jury is selected, one (1) of the four (4) jurors cannot, for any reason, continue to serve for the remainder of the trial, the matter shall be determined by the remaining three (3) jurors, whose vote must be unanimous.

8. The parties shall agree pretrial on all jury instructions and forms of verdict. The proposed jury instructions, forms of verdict, and any disputes shall be submitted to the Court three (3) working days prior to trial.

9. The jury shall be instructed only once, at the beginning of trial, with the exception of an appropriate closing instruction regarding the forms of verdict.

10. The parties agree that any damage award in excess of $_____ shall be reduced to $_____; inclusive of costs. The parties agree that the plaintiff will be awarded a minimum of $_____; inclusive of costs.

11. Standard jury instructions shall be taken from RAJI (Civil) 4th.

12. The evidence admitted at the trial of this action shall be limited to the following:

a. Live testimony of the witnesses identified in number 17, below.

b. Appropriate deposition testimony, answers to interrogatories and other discovery documents, which shall be included in the jury notebooks.

c. Medical records, bills and all reports, including experts, which will be included in notebooks prepared by the parties for the Court and jury, and which shall be submitted as a single exhibit for the jury's consideration. There shall be no foundation or custodial witnesses called or required. The parties shall identify and exchange items to be included in the notebook, in writing, twenty (20) days prior to trial. Then, ten (10) days prior to trial, disputes or objections over documents or exhibits shall be filed with the Court. If the Court receives no timely objections, all objections are waived. Rule 74(g) shall apply to documentary evidence. All documents in the jury notebook shall be admitted into evidence

without the necessity for further foundation, and the parties are free to refer to this evidence in opening statements and closing arguments. No other exhibits shall be admitted into evidence.

13. Each side shall bear its own costs and fees, and the parties will equally share any jury fees, except in the event of a mistrial.

14. If a mistrial is declared, the parties agree to have another Summary Jury Trial as soon as can be conveniently scheduled. The party causing the mistrial shall pay the jury fees incurred for the mistrial, and may also be sanctioned for other costs and fees.

15. Three (3) working days prior to trial, the parties and the Court shall meet telephonically to discuss all pending matters and disputes regarding instructions, exhibits or length of examination of any witness.

16. No written motions in limine will be necessary.

17. Counsel anticipate and will attempt to adhere to the following schedule of witnesses:

	Plaintiff	Defendant	Redirect
Witness A	_____minutes	_____minutes	_____minutes
Witness B	_____minutes	_____minutes	_____minutes
Witness C	_____minutes	_____minutes	_____minutes
Witness D	_____minutes	_____minutes	_____minutes

18. Closing Arguments shall not exceed 15 minutes per side. The jury shall begin deliberations no later than 3:45 p.m. on the day of the trial.

DATED: _____

_____
Party or Attorney for Plaintiff
Address
Phone

_____
Party or Attorney for Defendant
Address
Phone