



## Law Actors Newsletter

2007

June 2007

Dear Ian,

In this issue of our newsletter we look at the Tony Awards, what the Judge ordered, The Australian Bar Conference and our video of the month.

Ian Harris

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### *The Tony Awards*

**THERE'S A LITTLE BIT OF BROADWAY  
IN EVERYONE**



61st Annual  
**TONY**

the 61st annual Tony Awards were presented last Sunday on CBS. The critics said the the Best Actor category was the best since the late 70's. To find out who the winners were and much more, click on the link below. And don't forget to break a leg.

[The Tony Awards](#)

## The Judge Orders



Dan Wolfe, of Trial Graphix, sent us this whimsical Judges' rulings from the Superior Court of Arizona.

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY CV 2003-020242 07/19/2006 CLERK OF THE COURT JUDGE PENDLETON GAINES A. Beery Deputy FLED: 07/21/2006 PHYSICIANS CHOICE OF ARIZONA INC DAVID A SELDEN V. MICKEY MILLER, a al. DOW GLENN OSTLUND DAVID ROSENBAUM ROSENBAUM & ASSOCIATES PC 650 DUNDEE RD STE 380 NORTHBROOK 1 60062 RULINGS ON PENDING MOTIONS The Court has reviewed the pending motions. Two will be granted. The others will be deferred. Plaintiffs Motion to Compel Acc,tance of Lunch Invitation The Court has rarely seen a motion with more merit The motion will be granted. The Court has searched in vain in the Arizona Rules of Civil Procedure and cases, as well as the leading treatises on federal and Arizona procedure, to find specific support

for Plaintiff's motion. Finding none, the Court concludes that motions of this type are so clearly within the inherent powers of the Court and have been so routinely granted that they are non- controversial and require no precedential support DocketCode019 FOnnV000A Page 1

The writers support the concept Conversation has been called "the socializing instrument par excellence" (Jose ortega y Gasset, Invertebrate Svain) and "one of the greatest pleasures in life" (Somerset Maugham, The Moon and Savence). John Drydeaz referred to "Sweet discourse, the banquet of the mind" (The Flown and the LaB. Plaintiff's counsel extended a lunch invitation to Defendant's counsel "to have a discussion regarding discovery and other mailers." Plaintiff's counsel offered to "pay for lunok" Defendant's counsel failed to respond until the motion was filed. Defendant's counsel distrusts Plaintiff's counsel's mobves and tars that Plaintiff's counsel's puipose is to persuade Defendant's counsel of the lack of merit in the defense case. The Court has no doubt of Defendant's counsel's ability to withstand Plaintiffs counsel's blandishments and to respond sally for sally and bait for barb. Defendant's counsel now makes what may be an illusory acceptance of Plaintiff's counsel's invitation by saying. "We would love to have lunch at Ruth's Chris with/on. .7 Plaintiffs counsel.' Plaintiff's counsel replies somewhat petulantly, criticizing Defendant's counsel's acceptance of the lunch invitation on the grounds that Defendant's counsel is "now attempting to choose the Location" and saying that he "will oblige," but Defendant's counsel "will pay for its own meal." There are a number of fine festaurants within easy driving distance of both counsel's offices, eg., Christopher's, Vincent's, Motion's, Donovan's, Bistro 24 at the Ritz -Canton, The Arizona Biltmore Grill, Sam's Café (Biltmore location), Mcxi's, Sophie's and, if either counsel has a membership, the Phoenix Country Club and the University Club. Counsel may select their own venue or, if unable to agree, shall select hum this list in order. The time will be noon during a normal business day. The lunch must be conducted and concluded not later than August 18, 2006? Each side may be represented by no more than two (2) lawyers of its own choosing, but the principal counsel on the pending motions must personally appear. 'Eveiyone knows that Ruth's Chris, while open for dinner, is not open for lunch. This is a matter of which the Court may take judicial notice. 2The Court is aware of the penchant of PlaintiWs counsel to take extended

cruises during the summer months.

The cost of the lunch will be paid as follows: Total cost will be calculated by the amount of the bill including appetizers, salads, entrees and one non-alcoholic beverage per participant? A twenty percent (20%) tip will be added to the bill (which will include tax). Each side will pay its p rats share according to number of participants. The Court may reapportion the cost on application for good cause or may treat it as a taxable cost under ARS § 12-331(5). During lunch, counsel will confer regarding the disputes identified in Plaintiffs motion to strike Defendant's discovery motion and Defrudant's motions to quash, for protective order and for commission authorizing out-of-state depositions.' At the initiative of Plaintiffs counsel, a brief joint report detailing the parties' agreements and disagreeaznens regarding these motions will be filed with the Court not later than one week following the lunch and, in any event not later than noon, Wednesday, August 23, 2006. Defendant's Motion to Strike Pronosed Amended Comolaint To demonstrate to counsel that the Court has more on its mind than lunch, the Court has considered Defendant's motion to strike Plaintiff's proposed amended complaint The motion will be granted. Plainfl if's proposed amended complaint is 56 pages long and has 554 separately numbered paragraphs. It contains 19 counts. It is prolix and discursive in the extreme. It violates the Court's order of July 22, 2005, permitting the Plaintiff to file "an agreed-upon fonn of Amended Complaint to clean up housekeeping matters." It is not the "short and plain statement" required by Rule 8(aX2). It is a pleading of a type specifically condemned in A.rserv Insurance Services, Inc., vs. Aibrecht, 192 Ariz. 48, 49-50 (1998) (trial court should have stricken 269-page, 1322-paragraph complaint). Most importantly, it violates the observation of French philosopher Blaise Pascal who concluded a long letter with an apology, saying he "had not the leisure to make it shorter." Since this is a 2003 case with no end in sight Plaintiff's counsel has the leisure to make his complaint shorter. 3Mcoliolic beverages may be consumed, but at the personal expense of the eonswner. 4The Court suggests that serious discussion occur after counsel have eaten. The temperaments of the Court's children always improved after a meal.

ORDER IT IS ORDERED: 1. Plaintiff's motion to compel Defendant's counsel's acceptance of lunch invitation is granted on the terms and conditions set forth above. 2. The parties are directed to file the joint report referred to above. 3. Further action on the parties' pending discovety motions is deferral penxling receipt of the joint report. 4. Defendant's motion to stile Plaintiff s proposed amended complaint is granted. 5. The oral argument set in this divilon on August 2, 2006, at 9:15 a.m. is vacated.

### *The Latest From Law Actors*



Ian Harris, President of Law Actors, will be a speaker at The Australian bar Conference on Thursday, June 28th, at 1:30Pm at The Drake Hotel. Mr. Harris will speak about Law Actors and its value to the legal community. Mr. Harris is in good company. Other notable speakers are Patrick Fitzgerald, Robert Clifford and Judge Abner Mikva among others. The conference begins on Tuesday night and runs through Friday afternnon.

To learn more about Law Actors, click on the linkl below.

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