

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-094990

12/16/2022

HONORABLE RODRICK COFFEY

CLERK OF THE COURT  
K. Tiero  
Deputy

LAKE BILTMORE VILLAGE OWNERS  
ASSOCIATION

DANIEL S FRANCOM

v.

DESERT SHORES HOMEOWNERS  
ASSOCIATION INC

GREGORY A STEIN

JUDGE COFFEY

**MINUTE ENTRY**

Courtroom 205 - SEA

3:32 p.m. This is the time set for Telephonic Order to Show Cause Return Hearing on Plaintiff's *Application for Preliminary and Permanent Injunction* filed November 15, 2022. Counsel, Daniel Francom, is present on behalf of Plaintiff, who is not present. Counsel, Gregory Stein, is present on behalf of Defendant, who is not present.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held.

**IT IS ORDERED** setting an **in person Evidentiary Hearing** on **February 9, 2023 at 9:00 a.m. (3 hours allotted)** before:

THE HONORABLE RODRICK COFFEY  
Maricopa County Superior Court

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-094990

12/16/2022

Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 205  
Mesa, Arizona 85210

**The parties/attorneys are advised that the failure to appear for the hearing may result in sanctions, including dismissal of the action per Rule 16(F) of the Arizona Rules of Civil Procedure.**

**IT IS FURTHER ORDERED** counsel shall file no later than **February 2, 2023** a Joint Prehearing Statement signed by all counsel/parties. The Joint Prehearing Statement shall include a final hearing witness list. This list shall contain the name of each witness a party actually intends to call at the hearing, the day on which he/she intends to call each witness, and the **estimated time needed for direct, cross, and re-direct examination.**

All exhibits you would like to have a Judicial Officer consider during your hearing need to be submitted to the Clerk **no later than February 2, 2023.** For electronic and in-person exhibit submission, please visit, <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>. The webpage will provide instructions and guidance for electronic submission as well as locations for in-person submission of exhibits. Each party shall prepare four (4) duplicate sets of the exhibits as follows:

**Set 1:** This set of exhibits shall be provided to the Division on or before the date above. This is the set that will be marked by the Division's Clerk for use at trial.

**Set 2:** This set shall be provided to the opposing party.

**Set 3:** This set is for the Judge's use during the hearing and due to the Division by **February 9, 2023.** This set has special requirements; they are to be in a 3-ring binder with numbered tabs corresponding to the exhibit numbers provided on the exhibit list. **The 3-ring binder for the Judge WILL NOT be provided before the hearing. It must be provided to Court staff when the hearing begins. BENCH COPY BINDERS ARE REQUIRED.** Please label such bench copy binders on the spine with the case name, case number, and date of hearing/trial.

**Set 4:** This set is for your use and should be brought with you to trial.

- You must exchange a copy of all exhibits and a list of witnesses to the opposing party **no later than January 20, 2023.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-094990

12/16/2022

- An Exhibits Coversheet **must** be completed and submitted as the top coversheet of your exhibits. The Exhibit Coversheet must include your case number, the case caption, the date of your hearing, the Judicial Officer assigned to your case, and the name of the party submitting the exhibits.
- Each exhibit must be separated by an Exhibit Slip Sheet to clearly identify individual exhibits. If exhibits are not clearly separated, they will be combined as one (1) document.

**IT IS FURTHER ORDERED** that any exhibit that is not timely exchanged or timely delivered to the Court will be excluded at trial unless good cause is shown for missing those deadlines.

**EXHIBITS ARE NOT TO BE FILED WITH THE CLERK OF THE COURT. EXHIBITS ARE ONLY TO BE DELIVERED TO THE ASSIGNED DIVISION AND THE PARTIES.**

**NOTE:** *We do not hold spots for supplemental exhibits.*

**NOTICE: Exhibits Marked But Not Offered**

Exhibits submitted to the court for an evidentiary hearing/trial, whether through hard copy or submitted electronically, that are marked as exhibits but are not offered into evidence at the evidentiary hearing will be destroyed following the hearing/trial, unless a party requests that the evidence be returned at the conclusion of the hearing. Such requests must be filed with the Court and served on all parties in advance of the hearing or by no later than the conclusion of the hearing.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**NOTE:** All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-094990

12/16/2022

3:40 p.m. Matter concludes.