

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-000397

01/19/2024

HONORABLE BRADLEY ASTROWSKY

CLERK OF THE COURT  
C. Lockhart  
Deputy

POWER RANCH COMMUNITY  
ASSOCIATION

KYLE A VON JOHNSON

v.

WOODCREST EAST L L C, et al.

F ROBERT CONNELLY II

ERICA L MORTENSON  
JONATHAN A DESSAULES  
JUDGE ASTROWSKY

MINUTE ENTRY

East Court Building – Courtroom 413

10:00 a.m. This is the time set for Oral Argument regarding Defendants' Request for Rule 56(D) Relief and for Expedited Hearing, filed January 11, 2024, and a Return Order to Show Cause hearing regarding Plaintiff/Counterdefendant's Request for Preliminary and Permanent Injunctions, filed December 15, 2023. Plaintiff/Counterdefendant Power Ranch Community Association is represented by counsel of record, Kyle A. Von Johnson. Defendant/Counterclaimant Woodcrest East, LLC is represented by counsel of record, F. Robert Connelly II and Jonathan A. Dessaulles. Defendant/Counterclaimant Woodcrest Village East Condominium Association is represented by counsel of record, Erica L. Mortenson. No other parties appear. All appearances are virtual.

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

Argument is presented to the Court.

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**LET THE RECORD REFLECT** that the parties have stipulated to the following: Power Ranch Community Association did not give written approval for Woodcrest Village East Condominium Association's governing documents specifically the declaration that was recorded for Woodcrest Village East Condominium Association.

For the reasons set forth on the record,

**IT IS ORDERED** that the agreement as stated on the record is a stipulation of fact agreed upon by the parties, therefore if the case were to go to trial, this would be a stipulated fact that would be read to the jury as a stipulated fact. Furthermore, this is not a fact that can be contested in any future Rule 56 motion.

As a result of the above stipulation, Plaintiff/Counterdefendant withdraws its request for Rule 56 Motion for Partial Summary Judgment, filed December 15, 2023, which makes Defendants/Counterclaimants' Request for Rule 56(D) relief, filed January 11, 2024, moot.

Further discussion is held regarding Defendants' Request for Preliminary and Permanent Injunctions.

Argument is presented to the Court.

**IT IS FURTHER ORDERED** setting an in-person Evidentiary/Preliminary Injunction Hearing on **March 22, 2024 at 9:00 a.m. (time allotted: 2 days)** with the time divided equally between the parties, before this division.

The Honorable Bradley Astrowsky  
Maricopa County Superior Court  
East Court Building  
101 West Jefferson  
4th Floor, Courtroom 413  
Phoenix, AZ 85003  
Phone: 602-372-2048

Specifically, hearing days and times are as follows: March 22, 2024 from 9:00 a.m. to noon and 1:30 p.m. to 4:30 p.m.; and March 29, 2024 from 10:30 a.m. to noon and 1:30 p.m. to 3:30 p.m.

Each side is limited to discovery related to the preliminary and permanent injunction issues.

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**IT IS FURTHER ORDERED** that counsel shall meet and confer and regarding plaintiff's claims and attempt to resolve any disputed issues.

In the interest of time, the parties are directed to provide a courtesy copy of any filings to the Court's Judicial Assistant, Stephanie Pham, at [Stephanie.pham@jbazmc.maricopa.gov](mailto:Stephanie.pham@jbazmc.maricopa.gov).

10:34 a.m. Matter concludes.

**SUBMISSION OF EXHIBITS PRIOR TO HEARING**

The parties are reminded to notify the court promptly of any settlement pursuant to Rule 5.3(d), Ariz.R.Civ.P.

Counsel (and any self-represented party) shall present exhibits to the Clerk of the Court no later than **12:00 p.m. (noon) on March 8, 2024**.

For electronic 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.

- Exhibits shall be marked serially by number, plaintiff's first; defendant's exhibit numbers will begin where plaintiff's numbers end.
- The exhibits must have a cover sheet reflecting:
  - The case number;
  - The caption;
  - Which party's exhibits are being submitted;
  - The judicial officer;
  - The date of the hearing.
- Confer with the other party to eliminate duplicate exhibits before presenting to the clerk.
- Do **not** skip numbers, or describe exhibits as "blank" or "withdrawn"; do not "reserve" numbers for items not submitted to the clerk.
- Separate exhibits by a colored sheet of paper with the exhibit number on front.
- Do not mark affidavits and/or depositions as exhibits. Original depositions may be submitted to the division clerk to be filed and will be available for use during the trial.
- Submitted documents are limited to 300 MB. If larger than 300 MB you may be required to submit in multiple parts.

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If there are any questions regarding exhibits, please contact the division clerk, Caralee H. Lockhart, at **602.506.6928** or by email at: [Caralee.Lockhart@maricopa.gov](mailto:Caralee.Lockhart@maricopa.gov) .

**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 all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

Pursuant to Rule 8.1(f)(4) any motions to dismiss must attach a good faith consultation certificate.

**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.