

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-094239

02/15/2023

HONORABLE ROGER E. BRODMAN

CLERK OF THE COURT
C. Avena
Deputy

ROBERT GIEDT, et al.

KEVIN R HARPER

v.

TREVISO COMMUNITY ASSOCIATION

NICHOLAS C NOGAMI

COMM BRODMAN

BENCH TRIAL SET

Courtroom 207 (SEA)

9:02 a.m. This is the time set for Status Conference for the purpose of setting a trial date. Plaintiffs Robert Giedt and Leslie Giedt are represented by counsel Kevin R. Harper. Defendant Treviso Community Association is represented by counsel Nicholas C. Nogami.

Today's proceeding is being held virtually through Court Connect. A record of the proceedings is made digitally in lieu of a court reporter.

The Court and counsel discuss the setting of a trial date. Counsel are in agreement with setting this matter for a bench trial.

IT IS ORDERED setting a remote Trial Management Conference on **August 8, 2023 at 9:00 a.m. (time allotted: 30 minutes)** before this Division.

Your hearing will be conducted through the new TEAMS program offered by the Superior Court of Arizona in Maricopa County. Hearings are preferably conducted by video-conference but can also be conducted by phone. Lawyers (and self-represented litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

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CRJ23. Virtual Proceedings are held via the Court Connect platform. Please review the brief Court Connect training prior to the hearing:

<https://superiorcourt.maricopa.gov/virtual-justice/>.

When you are ready to connect to the proceedings via Court Connect, please follow the steps below.

1. CLICK THE JOIN MICROSOFT TEAMS MEETING BUTTON BELOW
2. **ENTER YOUR FULL NAME AND ROLE IN NAME FIELD.**
3. WAIT IN THE LOBBY UNTIL GRANTED ADMISSION BY FACILITATOR.

You can also join by phone if necessary by using the number below with the Conference ID #

Virtual Courtroom

Please join my Teams meeting from your computer, tablet or smartphone.

<https://tinyurl.com/jbazmc-cvj22>

You can also dial in using your phone.

United States: +1 917-781-4590

Access Code: 969-248-722#

IT IS FURTHER ORDERED setting this matter for an in-person Trial to the Court on **September 5, 2023 at 9:30 a.m.** (time allotted: 2 days) before this Division.

**MARICOPA COUNTY SUPERIOR COURT
SOUTHEAST JUDICIAL FACILITY
COURTROOM 207
222 E. JAVELINA
MESA, AZ 85210**

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.

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IT IS FURTHER ORDERED that, by **August 22, 2023**, the parties are to submit a Joint Pre-Trial Statement, that identifies:

1. What issues are to be resolved by the Court.
2. What witnesses will be called to testify, and a brief summary as to what each of those witnesses are going to testify to.
3. Any exhibits that they intend to present at the Evidentiary Hearing. The parties shall also list any objections to any exhibits.

IT IS FURTHER ORDERED that no later than **August 29, 2023**, either side may submit, not to exceed twelve pages, a Pre-Hearing Statement setting forth their respective positions.

IT IS FURTHER ORDERED that, by **August 22, 2023**, the parties shall exchange a list of witnesses and exhibits they intend to present at the Bench Trial.

IT IS FURTHER ORDERED that either side may submit, not to exceed eight pages, a Pre-Hearing Statement indicating their position.

The parties are to promptly notify the Court if they resolve their issues and the Bench Trial can be vacated. In the event the parties do not resolve their issues, each party shall deliver to the judge at the Bench Trial a tabbed notebook containing that party's exhibits.

IT IS FURTHER ORDERED that each party shall deliver all exhibits such party intends to offer at the trial to this Division to be marked no later than **August 22, 2023**.

The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at Adrian.Trujillo@jbazmc.maricopa.gov.

NOTE: THE PARTIES SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.

Discussion is held regarding Rule 38.

9:19 a.m. Matter concludes.

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Procedures for Submitting Exhibits

- Depositions will **NOT** be marked as exhibits. If you plan to read from a deposition or use the deposition for impeachment purposes, you will need to supply an **ORIGINAL** to the Clerk for filing at same time they provide their exhibits.
- Please provide an exhibit list with a brief description for each exhibit. The list should contain the case number, the caption, scheduled trial date, and the party submitting the exhibits. Do not use Bates numbers in your description of the exhibits.
- The parties shall meet and confer to insure that there are **NO** duplicates submitted.
- The parties shall provide a list of any exhibits that have been stipulated into evidence.
- **Exhibits should include a colored and numbered divider sheet between each exhibit. Exhibits should be delivered no later than August 22, 2023.**
- Exhibits will be marked numerically and consecutively.
 - Plaintiff(s) exhibits will be marked first followed by Defendant(s).
 - Numbers will **NOT** be skipped or “saved” in anticipation of additional exhibits to be submitted. If there is a blank, the next exhibit shall be marked consecutively to the previously numbered exhibit and the numbering of your exhibit list will not match the numbering of the Court’s exhibit list.
 - Subsections of exhibits will be marked as the next available number. Do **NOT** use subsections of exhibits (ex: 4a or 4.1). If subsection are used, each subsection will be marked as the next consecutive number and the numbering of your exhibit list will not match the numbering of the Court’s exhibit list. Please use the next consecutive number for each exhibit
 - Blow-ups and large items may only be used for demonstrative purposes. You may bring them to court to use during trial; however, if you would like them to be marked as an exhibit, please submit an 8 ½ x 11 photo of the item.