

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-006034

03/17/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
D Arrieta
Deputy

LES RODIN

MARK BAINBRIDGE

v.

LAS HADAS VILLAS ASSOCIATION, et al.

BRIAN E DITSCH

WILLIAM J CUROSH

MINUTE ENTRY

So that the court may determine whether either or both of the claims asserted against Nancy Fahy and June Francisco are subject to compulsory arbitration, the court requires what follows.

Plaintiff must, within 21 days of the date of entry of this order, serve a comprehensive disclosure on each defendant, with a copy provided to this division, that addresses the issue of plaintiff's claimed "compensatory, consequential, and incidental damages." In addition to what otherwise may suffice as compliance with Rule 26.1, "comprehensive" includes an itemized list of each element of monetary damages that plaintiff seeks from each defendant (not merely Fahy and Francisco), together with a detailed description that would allow one to understand how each such amount of claimed damages was calculated (i.e., merely reciting a number will not be sufficient). If plaintiff is serious about seeking recovery for any damages that do not lend themselves to more than an approximate calculation, then plaintiff must disclose the approximate amount or range that plaintiff anticipates requesting as an award at trial and a detailed explanation showing that the approximation or range is reasonable. With that disclosure, plaintiff must attach all documents that in any way support the claimed damages.

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Given the nature of the claims for financial injury asserted in the verified complaint, there should be no need for plaintiff to undertake discovery, nor should there be any need for plaintiff to require additional time to comply with what is required here. If plaintiff has experienced financial injury attributable to any of the acts alleged in the complaint, he surely has felt it, and thus knows it, by now. Thus, failure to comply with what is required here, which includes a failure to provide sufficient detail, will be treated as a concession that plaintiff's claimed monetary damages are not compensable.

SO ORDERED.