

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-017523

03/04/2021

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
C. Ladden
Deputy

ROWLAND SHORT, et al.

ROWLAND SHORT
4525 N 66TH ST UNIT 117
SCOTTSDALE AZ 85251

v.

CASA DEL MONTE INC

NICOLE PAYNE

PAMELA SHORT
4525 N 66TH ST UNIT 117
SCOTTSDALE AZ 85251
COURT ADMIN-CIVIL-ARB DESK
JUDGE WARNER

MINUTE ENTRY

Before the Court and fully briefed is Defendant's January 25, 2021 Motion to Dismiss and alternative Motion for More Definite Statement. This case is a dispute between members of an HOA Board. Judging by the allegations, the dispute has become personal.

When this happens in a community—and this Court has seen many such disputes—there are clear winners and losers at the end of the day. The clear winners are lawyers, who can earn tens of thousands of dollars in fees litigating such an acrimonious dispute. This is not a criticism of lawyers. This is their job and they are entitled to be paid for it.

The clear losers are the people who live in the community, many of whom have no dog in the fight and who probably want their board members to stop fighting and just do their jobs. If significant attorneys' fees are incurred, it is the HOA members who usually bear the financial

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cost, and who often bear the emotional cost of living in a community where neighbors are taking sides against each other.

For these reasons, the Court finds it in the best interest of the HOA for these parties to at least attempt resolution before engaging in all-out, acrimonious litigation.

IT IS ORDERED setting a Status Conference for **March 23, 2021 at 9:00 a.m. (time allotted: 15 minutes)** in this division for purposes of discussing means of dispute resolution in this division. This matter will be heard by video/audio conference using **Court Connect**. Court Connect is the Superior Court in Maricopa County's new video court hearing platform. For more information about Court Connect, please visit: <https://superiorcourt.maricopa.gov/court-connect>.

A Court Connect video link will be emailed to counsel of record (or self-represented parties) the day before the hearing. All persons are strongly urged to appear by video instead of audio alone. For questions, please call Judge Warner's division at 602.372.2966, or email Courtroom Assistant Rebekah Richardson at Rebekah.Richardson@JBAZMC.Maricopa.gov.

IT IS FURTHER ORDERED staying this case pending further order of the Court. The Court will set argument on the pending Motion after the parties have participated in dispute resolution in good faith.

IT IS FURTHER ORDERED that Plaintiffs, Counsel for Defendant, and a representative of Defendant with authority over the litigation shall appear by video at the status conference.

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.

NOTE: Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a Court facility to wear a mask or face covering at all times they are in the Court facility. With limited exceptions, the Court will not provide masks or face coverings. Therefore, any individual attempting to enter the Court facility must have an appropriate mask or face covering to be allowed entry to the Court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the Court facility or asked to leave. In addition, all individuals entering a Court facility will be subject to a

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health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the Court facility.

The Arizona Constitution requires the Arizona Commission on Judicial Performance Review to conduct performance evaluations of superior court judges. The Commission is asking for your help to evaluate Maricopa County Superior Court judges currently undergoing performance review. After your hearing, if the judge you are in front of is undergoing review, a survey will be emailed to you and you can take the survey online. The survey is conducted by the Docking Institute of Public Affairs at Fort Hays State University and is anonymous and confidential. Your participation in the review process is important! More information on Judicial Performance Review can be found at www.azjudges.info.

Lawyers with an email address on file will receive a JPR survey. Witnesses and litigants must provide an email address if they wish to receive a JPR survey. Email addresses should be emailed to Judge Warner's Courtroom Assistant at Rebekah.Richardson@JBAZMC.maricopa.gov.

La Constitución de Arizona exige que la Comisión de la Evaluación del Desempeño Judicial realice evaluaciones de desempeño de los jueces de los tribunales superiores. La comisión pide su ayuda para evaluar a los jueces del Tribunal Superior del Condado de Maricopa a quienes actualmente se les está evaluando su desempeño. Después de su audiencia, si el juez ante el cual comparece está sometido a una evaluación se le enviará por correo electrónico una encuesta que usted podrá tomar por Internet. La encuesta es realizada por el Docking Institute of Public Affairs de la Fort Hays State University y se mantiene anónima y confidencial. ¡Su participación en el proceso de la evaluación es importante! Para obtener más información sobre la evaluación del desempeño judicial, diríjase a www.azjudges.info.