

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-005170

03/29/2021

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
P. McKinley
Deputy

10000 NORTH CENTRAL HOMEOWNERS
ASSOCIATION

NATHAN TENNYSON

v.

RON PICK, et al.

RON PICK
40 W FOOTHILL DR
PHOENIX AZ 85021

SUSAN ABBASS
40 W FOOTHILL DR
PHOENIX AZ 85021
JUDGE MAHONEY

ORDER ENTERED BY COURT

The Court has reviewed Plaintiff's Partial Joint Report, filed 2/25/21. By "Partial," Plaintiff means that it is not a **Joint** Report from the parties but is instead a **unilateral** Report from only Plaintiff as Plaintiff advises that Defendants were uncooperative in filing a Joint Report as required by Rule 16(c). See Partial Report, page 1, first paragraph. Plaintiff in fact seeks sanctions against Defendants for their reported refusal to cooperate as required under Rule 16(c). Defendants are cautioned to comply with the Rules of Civil Procedure to avoid unfavorable consequences.

IT IS ORDERED rejecting Plaintiff's Partial Joint Report, filed 2/25/21, as non-compliant with the requirement in Rule 16(c)(3)(J) that the proposed Scheduling Order "must specify" a deadline for "filing dispositive motions" "by calendar date, month, and year." The proposed Order is altogether silent as to dispositive motions.

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The Court further notes that in ¶ 5, Plaintiff states “The Parties shall participate in a settlement conference conducted by a judge pro tempore not later than April 26, 2021.” Counsel may not be aware that a referral to the Court’s Alternative Dispute Resolution office for the assignment of a Judge Pro Tempore to conduct a settlement conference requires a **minimum of 90 days** between the date of the referral and the deadline to hold the settlement conference.

IT IS FURTHER ORDERED Defendants shall immediately contact Plaintiff’s counsel to contribute to, and compete, the to-be-filed Revised Joint Report, failing which the Court will entertain and act on the filing received, even if it is unilateral.

* * * *

PLEASE NOTE: This Division requires that all motions, responses, replies and other Court 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 filing will be accepted if filed in combination with another. Additionally, all filings shall be fully self-contained and shall not “incorporate by reference” other separate filings for review and consideration as part of the pending filing.**

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

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney. **The law requires the Court to hold all persons representing themselves to the same standard as a licensed attorney.** *Kelly v. NationsBanc Mortgage Corp.*, 199 Ariz. 284, 287 (App. 2001); *Homecraft Corp. v. Fimbres*, 119 Ariz. 299, 301 (App. 1978). Self-represented litigants are encouraged to review and become familiar with the Arizona Rules of Civil Procedure, paying particular attention to Rule 26. Please note that **only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.** *Ramada Inns v. Lane & Bird Advertising*, 102 Ariz. 127, 426 P.2d 395 (1967).

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Before the Judge can consider anything you send her, you must show her that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the Clerk's job to keep an independent record of everything that happens at the Court. The Court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This allows all parties a fair chance to tell the Judge what they think before the Judge makes a decision.

Because of that, if you want the Judge to consider something you send her, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this Division (that is, to the Judge, using her specific courtroom address), and mail or deliver a copy to all opposing parties. In addition, on each document, you must include a signed certificate that says whether you mailed or hand-delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand-delivered each copy. If a party is represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed Orders submitted to this Division in hard copy form must include copies of the Order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the Clerk or other parties to the Judge.

Information on filing documents with the Clerk of the Court can be found at:
<https://www.clerkofcourt.maricopa.gov/services/filings/filing-counters>

Information on eFiling documents with the Clerk of Court can be found at:
<https://www.clerkofcourt.maricopa.gov/records/filings>

Additionally, information regarding eFiling in civil cases can be found at:
<https://www.azcourts.gov/efilinginformation>

If you are not represented by a lawyer, you must keep the Court updated regarding your current address and telephone number. If your address or phone number changes at any time, you must file a notice of change of address/phone number with the Clerk of Court. That form (general form – GN91f – Update Information on Address and/or Name with the Court) can be downloaded at no charge from the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>

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Downtown Phoenix Facility

East Court Building
101 W. Jefferson St.
Phoenix, AZ 85003-2243

Southeast Facility

222 E. Javelina Ave.
Mesa, AZ 85210-6201

Northeast Court Facility

18380 N. 40th Street
Phoenix, AZ 85032

Northwest Regional Center

14264 W. Tierra Buena Lane
Surprise, AZ 85374