

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-090830

03/30/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

WOODMAR I V ASSOCIATION INC

CLINT G GOODMAN

v.

WATER SUBMETERING SYSTEMS L L C, et
al.

WATER SUBMETERING SYSTEMS
LLC
C/O ANTHONY ROSSETTI
3120 N 19TH AVE, STE 200
PHOENIX AZ 85015

UTILITY SUBMETERING SYSTEMS
LLC
C/O ANTHONY ROSSETTI
3120 N 19TH AVE, STE 200
PHOENIX AZ 85015
SCOTT L POTTER

MINUTE ENTRY

Courtroom 207 – SEA

2:30 p.m. This is the time set for Return Hearing re: Plaintiff's Emergency Motion for Temporary Restraining Order with Notice. Counsel, Clint G. Goodman, is present on behalf of Plaintiff. Defendants are not present, however, Anthony Rossetti (General Manager) is present.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

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Counsel for Plaintiff advises the Court that he has not been able to effectuate proper service on the Defendants but that he has made contact with Defendants and has provided, through Mr. Rossetti, copies of the pleadings and attendant documents via email.

LET THE RECORD REFLECT Mr. Rossetti, a member of the Defendant LLC's, acknowledges that service is complete.

An LLC or Incorporated entity cannot appear in Court through a member or representative of the LLC or Incorporated entity who is not an attorney. Further, it cannot appear in propria persona. *Ramada Inns, Inc. v. Lane and Bird Advertising, Inc.*, 102 Ariz. 127, 128 (1967). Thus, unless represented by an attorney authorized to practice in Arizona, an LLC or Incorporated entity may not file pleadings or make arguments to the Court.

Based on the non-objection of Mr. Rosetti today,

IT IS ORDERED granting Plaintiff's Emergency Motion for Temporary Restraining Order with Notice.

IT IS ORDERED precluding the Defendants from collecting or interfering with the Plaintiff's collection of any funds from the unit owners within the Association as requested in Plaintiff's Emergency Motion.

The Court declines to require the posting of a bond at this time.

IT IS ORDERED directing counsel for Plaintiff to submit a form of Order consistent with the Court's orders and Plaintiff's Emergency Motion for Temporary Restraining Order no later than **April 8, 2016**.

IT IS ORDERED setting this matter for an Evidentiary Hearing re: Temporary Restraining Order on **April 15, 2016 at 4:00 p.m. (1 hour allotted)** before:

HONORABLE DAVID TALAMANTE
SUPERIOR COURT OF ARIZONA
SOUTHEAST COURTHOUSE
COURTROOM 207
222 E. JAVELINA
MESA, AZ 85210

IT IS ORDERED that counsel and self-represented litigants ("the parties") are directed to personally meet **no later than April 8, 2016** to exchange exhibits and discuss the exhibits

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prior to submitting them to the Court. At this meeting, the parties' shall attempt to agree on authenticity, foundation, and admission of the exhibits to shorten the time spent on exhibits during the hearing.

IT IS FURTHER ORDERED that the parties shall deliver to the Clerk of this Division all exhibits they will be introducing at the hearing, **no later than noon on April 11, 2016**. Counsel shall present all exhibits with a written list of brief exhibit descriptions to the Clerk. Exhibits shall not be placed in a notebook unless they are voluminous. Each exhibit shall be clipped or bound if too large to be stapled. Exhibits are to be separated by a colored sheet of paper or by a tabbed divider sheet. An enlargement may be used for demonstrative purposes; however an 8 ½ x 11 size copy of the enlargement must be submitted with the other exhibits and will be marked for demonstrative purposes only. (Enlargements will be released to the party using said enlargement at the end of trial.) The exhibits will be marked by the Clerk in consecutive order: Plaintiff's exhibits marked first; Defendant's exhibits marked second. Exhibits are assigned numbers in a serial fashion. Placeholders will not be accepted and exhibit numbers will not be reserved for exhibits not presented at this time. The parties shall ensure that there are no duplicate exhibits. Failure to follow the procedure for submitting trial exhibits may result in the exclusion of that party's exhibits at the hearing.

NOTE: All court proceedings are recorded by audio and video method 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.

2:47 p.m. Hearing concludes.