

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-009167

04/03/2019

HONORABLE ROGER E. BRODMAN

CLERK OF THE COURT
M. Corriveau
Deputy

DESERT RIDGE COMMUNITY ASSOCIATION JEFFREY D GROSS

v.

B R E THUNDER DESERT RIDGE PROPERTY STEVEN MARTIN AARON
OWNER L L C, et al.

JUDGE BRODMAN

MINUTE ENTRY

Courtroom: ECB 413

8:31 a.m. This is the time set for Rule 16(d) Commercial Court Conference. Plaintiff is represented by counsel, Jeffrey D. Gross. Counterdefendant is represented by counsel, J. Gary Linder. Defendant/Counterclaimant, BRE Thunder Desert Ridge Property Owner, LLC, is represented by counsel, Steven M. Aaron and Jacqueline M. Whipple.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding the current case status.

The Court will consider proportionality when considering attorneys' fees. A factor this Court takes into account in awarding attorneys' fees is whether any party has "unduly expanded" litigation. *See Fulton Homes Corp. v. BBP Concrete*, 214 Ariz. 566, 570, ¶ 15 (App. 2007).

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LET THE RECORD REFLECT that the discovery dispute resolution procedure for commercial court matters before this division apply to this case. If there is a discovery dispute, counsel for the movant shall contact opposing counsel directly to attempt to resolve the discovery dispute issue pursuant to Rule 37. Absent resolution, counsel for the movant may contact the Court's Judicial Assistant and all other counsel to advise them of his/her request for a telephonic hearing. Each party shall thereafter email or fax to the Court's Judicial Assistant a **one-page** summary of the dispute. The emails will be filed with the clerk. Once the Court receives a summary from each party, the Court's Judicial Assistant will contact the parties to schedule a telephonic conference.

The email address for the Court's Judicial Assistant, Lora Gilbert, is gilbertl@superiorcourt.maricopa.gov, and the fax number for the Division is 602-372-8688.

Further discussion is held regarding completion of discovery, deadlines and the Court's calendar availability regarding bench or jury trial.

For matters presented to the bench, counsel may present witnesses' and/or experts' direct testimony via affidavit or expert witness report. Each side is limited to two (2) witness affidavits, the affidavits are limited to 10 pages each. The witness must be available to testify at the time of the hearing.

IT IS FURTHER ORDERED affirming telephonic Status/Trial Setting Conference set for March 3, 2020 at 8:30 a.m. in this division.

9:05 a.m. Matter concludes.