

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090882

04/22/2021

HONORABLE JANICE CRAWFORD

CLERK OF THE COURT
V. Felix
Deputy

VISTA DORADA I I HOMEOWNERS
ASSOCIATION

CHAD M GALLACHER

v.

YUHUAN HAN

YUHUAN HAN
1354 E WALNUT RD
GILBERT AZ 85298

CITS
JUDGE CRAWFORD

MINUTE ENTRY

Courtroom 205 – SEA

10:00 a.m. This is the time set for Order to Show Cause – Return Hearing regarding Plaintiff's Application for Preliminary and Permanent Injunction filed on February 23, 2021. Plaintiff is represented by above-named counsel Chad Gallacher. Defendant, Yuhuan Han, is present on his own behalf. Court interpreter, Ken Lim, is present assisting Defendant in the Mandarin language.

Today's proceeding is being held virtually through Court Connect. A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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04/22/2021

LET THE RECORD REFLECT Ken Lim is sworn to act as interpreter of the Mandarin language.

Further discussion is held.

Plaintiff's counsel addresses the Court.

Further discussion is held.

IT IS ORDERED setting an Evidentiary Hearing regarding Plaintiff's Application for Preliminary Injunction to begin on **June 29, 2021 at 9:30 a.m.** before:

**HONORABLE JANICE CRAWFORD
SOUTHEAST ADULT FACILITY
222 EAST JAVELINA - COURTROOM 205
MESA AZ 85210**

Hearing dates and times are as follows:

June 29, 2021 from 9:30 a.m. – 12:00 p.m. and July 1, 2021 from 9:30 a.m. – 12:00 p.m.

IT IS FURTHER ORDERED all parties and counsel must appear in person for the above-set hearing.

IT IS FURTHER ORDERED that the parties and, if represented, counsel shall exchange a list of witnesses and exhibits not later than **June 1, 2021**.

LET THE RECORD REFLECT the parties have agreed to exchange their respective list of witnesses and exhibits by email.

IT IS FURTHER ORDERED each party shall file a separate Pretrial Statement not later than June 14, 2021. The Pretrial Statement shall include the following:

- A brief summary of the claims and defense.
- A list of all exhibits and witnesses the party intends on presenting at the hearing.

IT IS FURTHER ORDERED all exhibits are to be submitted to the clerk **no later than June 14, 2021**.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090882

04/22/2021

This Division requires hard copies of all exhibits. Exhibits must be hand-delivered to the Clerk Of Court file counter located at the Southeast Adult Facility. Follow directions upon arrival. Exhibits that are submitted electronically through either E-File or the Clerk of Court website will not be accepted.

- An Exhibits Coversheet must be completed and submitted as the top coversheet of your exhibits. The Exhibit Coversheet must include your case number, the case caption, the date of your hearing, the Judicial Officer assigned to your case, and the name of the party submitting the exhibits.
- Exhibits must be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit must be clipped or bound if too large to be stapled. Exhibits also may be provided in a three-ring binder, with each exhibit separated by a tabbed, numbered divider. If exhibits are not clearly separated, they will be combined as one (1) document.
- Provide a separate copy of exhibits in a three-ring binder, with each exhibit separated by a tabbed, numbered divider, to be used by the judge.
- **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

PLEASE NOTE: The Clerk of Court policies and procedures do not allow the clerk to hold exhibit numbers for exhibits to be submitted later. Exhibits are marked in the order in which they are received.

10:43 a.m. Matter concludes.

Expectations of a self-represented party. The law requires this Court to hold all persons representing themselves to the same standard as a licensed attorney. This means that the parties should familiarize themselves with the Arizona Rules of Civil Procedure. You can find them at:

<https://www.azcourts.gov/rules/Recent-Amendments/Rules-of-Civil-Procedure>
or
<https://govt.westlaw.com/azrules/>

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090882

04/22/2021

If you are not represented by an attorney you must provide the Court with a current address, telephone number, and email address. If your address, phone number, or email address changes in the future, you must file a notice of change of address/phone number/email address. That form can be downloaded at no charge from the following website <http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter>

Please note that only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.

Filing documents. After the complaint or petition is served, the parties have to file subsequent documents with the Clerk of the Court. It is the Clerk's job to keep an independent record of everything that happens at the court. Please pay particular attention to Rule 5, which tells you how to get your filed documents to the other party, to the Clerk of the Court and to the Court.

If you want to file papers with the Clerk of the Court by mail, please send them to:

Clerk of the Superior Court's Office
Civil File Counter
222 East Javelina
Mesa, AZ 85210

The clerk's guidelines for filing by mail can be found at:
<http://www.clerkofcourt.maricopa.gov/filing-by-mail.asp>

Requests to the Court. Before the judge can consider anything you must:

1. File it with the Clerk of the Court. The court cannot act on a document that has not been made a part of that record; and
2. Provide a copy of anything filed to every other party involved in the case. This is so all parties have a fair chance to respond to the request and provide their positions.

Please provide the Division with a copy of anything you have filed that you want heard by the judge.

Cases subject to Compulsory Arbitration. The Rules for Compulsory Arbitration are contained in Rules 73-77, Ariz. R. Civ. P. As set forth in Rule 74, the assigned arbitrator shall rule on certain motions. Accordingly, you are required to provide a copy of any applicable motion to the assigned arbitrator as set forth in Rule 74(D)(2), Ariz. R. Civ. P.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090882

04/22/2021

Proof that a document was delivered. Rule 5.c.3 requires the sending party to provide a certificate of delivery of a case-related document. At the end of each document or in a separate certificate, include the information substantially as follows:

A copy has been or will be mailed/mailed/hand-delivered [select one] on [insert date]
to:

[Name of opposing party or attorney]

[Address of opposing party or attorney]

If a party is represented by an attorney, you must send or deliver the copy to the attorney, not to the party.

Scheduling and managing the case; setting it for trial. Rule 16 governs the scheduling and management of a case. For example, Rule 16.b explains that the parties are expected to meet fairly shortly after the complaint is filed and provides the minimum topics for them to discuss.

After that, the parties file a joint report about the case and a joint proposed scheduling order, Rule 16.c. You can find instructions and forms at <https://superiorcourt.maricopa.gov/media/4124/cvt54z.pdf>

Exchanging information. In an Arizona civil case, the law requires the parties to exchange relevant information such as documents, emails, text messages and social media posting. Rules 26 and 26.1. This exchange is called “disclosure.” The law also requires you to disclose to the other party the name and contact information for each witness you expect to call, and a description of what the witness’s testimony will be at trial. Some pointers:

- Disclose anything that may be relevant. Don’t wait for the other person to ask.
- Send a cover letter identifying every document you’re sending. Don’t write something generic like, “Emails.” Specify the dates/times/parties to the emails so we know which ones you disclosed.
- Keep a copy of all of your disclosures so we have an exact record of what you sent one another.
- You have to disclose it even if you think the other side already possesses the information.
- If you don’t disclose it, you probably will not be able to use it at trial. If you don’t disclose it and it is harmful to your case, the Court may sanction you.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-090882

04/22/2021

While you are expected to know the rules, there are resources to help you.

In addition to the links to the actual rules above on page 1, you may also find help at the link for the Law Library Resource Center:

https://superiorcourt.maricopa.gov/llrc/cv_group_1/
<https://superiorcourt.maricopa.gov/civil/civil-faq/>

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.

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.