

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-050453

05/12/2017

HONORABLE AIMEE L. ANDERSON

CLERK OF THE COURT
A. Wood
Deputy

VILLAGE AT GRAYHAWK OWNERS
ASSOCIATION

STEWART FOSTER SALWIN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES
PO BOX 72107
PHOENIX AZ 85050

MINUTE ENTRY

On May 11, 2017 Defendant's husband appeared at the Northeast Courthouse and rang back to the chambers for the assigned division. Without disclosing who he was; he requested to speak with court staff.

When the Judicial Assistant for the assigned Division went out into the public area, Defendant's husband approached the Judicial Assistant in a very loud, threatening and accusatory manner. Among other things, Defendant's husband accused this Judicial Officer of committing fraud and of having ex parte communications with the opposing side in his wife's case.

After a few minutes, Defendant's husband handed the judicial assistant several documents including a May 11, 2017 filing entitled "Defendant Kathryn Marie Jones's 3rd Notice to the Court of a Scheduling Conflict Regarding the June 2, 2017 Hearing on Plaintiff's Application for an Order to Show Cause and Request for Sanctions; In Addition to a Pre-Trial Conference."

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Defendant's husband attempted to engage the Judicial Assistant in a conversation re: the underlying case. The Judicial Assistant kindly reminded Defendant's husband that she was not permitted to discuss anything about the case with him—as he is not a party.

Due to the manner in which Defendant's husband has presented himself,

IT IS ORDERED that only the Defendant, Kathryn Marie Jones or a licensed attorney who has been retained by the Defendant, Kathryn Marie Jones and who has filed a notice of appearance in this case, may contact the assigned judicial division on behalf of Defendant, Kathryn Marie Jones. If any other person contacts the assigned division on behalf of the Defendant, Kathryn Marie Jones; judicial staff has been instructed to terminate the telephone call or terminate the in-person contact.

IT IS FURTHER ORDERED that if Defendant's husband appears at the Courthouse for any hearing that the Defendant, Kathryn Marie Jones may have in the future, a Maricopa County Sherriff Deputy and/or Court Security, shall be present to ensure the safety of all involved.

Turning to the May 11, 2017 filing entitled, "Defendant Kathryn Marie Jones's 3rd Notice to the Court of a Scheduling Conflict Regarding the June 2, 2017 Hearing on Plaintiff's Application for an Order to Show Cause and Request for Sanctions; In Addition to a Pre-Trial Conference"; the Court is concerned with the language contained within the "Notice" as it is written in the third person. If the Defendant, Kathryn Marie Jones, is not the individual writing the notices, motions and/or briefs that are being filed with the Court, than it must be done by a licensed attorney who has filed a notice of appearance in this matter. If the filings are created by anyone else, it equates to the unauthorized practice of law that is prohibited by State law.

With respect the contents of this most recent filing—it is not a "3rd Notice to the Court of a scheduling conflict regarding the June 2, 2017 hearing". Nevertheless, this Court will consider the filing as another request to continue a hearing that has been set in this matter. For purposes of the record, the Court provides the following:

On April 26, 2017, Plaintiff e-filed a Motion to Continue Hearing on Plaintiff's Application for Order to Show Cause and Request for Sanctions (Expedited Ruling Requested). Attached to the motion was a proposed form of order for this Court to electronically issue—should the motion be granted.

The Court found good cause for the Plaintiff's Motion to Continue and on May 1, 2017¹ issued the order Vacating the OSC hearing set on May 8, 2017 at 9:00 a.m. and continued the

¹ due to the order being issued via electronic docket on May 1, 2017—the Clerk's office electronically file stamps the order for 8:00 a.m. the following business day

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same to June 2, 2017 at 3:30 p.m. Also, for judicial economy this Court vacated the Pretrial Conference that was previously set on June 9, 2017 at 8:30 a.m. and set it to be heard at the same time on June 2, 2017.

Coincidentally, Defendant Kathryn Marie Jones filed a Motion to Continue the May 8, 2017 hearing on May 1, 2017, the same date the Court issued its order continuing the May 8, 2017 hearing. As the Court had already granted a Motion to Continue the May 8, 2017 hearing—no action was taken by the Court and the motion was deemed moot. Unfortunately, the date and time set by the Court had already issued and was set at a time that was not convenient for the Defendant, Kathryn Marie Jones.

One week later, on May 8, 2017, Defendant filed “Defendant/Counterclaimants’ Opposition to Plaintiff’s Order to Show Cause and Request for Sanction”. This filing requires no action by this Court—and will be read and considered by the Court prior to the Order to Show Cause hearing in this matter.

As indicated previously, the Court will consider this May 11, 2017 filing as a Motion to Continue the June 2, 2017 hearing on Plaintiff’s Application for Order to Show Cause and Request for Sanctions and the Pre-Trial Conference. Defendant, Kathryn Marie Jones has advised this Court of a conflict she has on June 2, 2017 with another matter that has been set before Judge John Hannah of this Court. Judicial staff has confirmed that there is a hearing set before Judge Hannah on the afternoon of June 2, 2017.

Therefore good cause found,

IT IS ORDERED granting “Defendant Kathryn Marie Jones’s 3rd Notice to the Court of a Scheduling Conflict Regarding the June 2, 2017 Hearing on Plaintiff’s Application for an Order to Show Cause and Request for Sanctions; In Addition to a Pre-Trial Conference”—considered by this Court as a Motion to Continue the June 2, 2017 hearing on Plaintiff’s Application for Order to Show Cause and Request for Sanctions as well as the Pre-Trial Conference.

IT IS FURTHER ORDERED vacating the June 2, 2017 hearing and resetting the same to **June 28, 2017 at 9:00 a.m. (90 minutes)**, in this division.