

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-052655

05/11/2021

HONORABLE SARA J. AGNE

CLERK OF THE COURT  
J. Holguin  
Deputy

MICHAEL BERENT, et al.

MICHAEL BERENT  
17974 N 167TH DR  
SURPRISE AZ 85374

v.

GRAZYNA MROCZKOWSKA, et al.

KEVIN M ARNOLD  
DEBRA S BROCKWAY  
JONATHAN A DESSAULES  
JUDGE AGNE

MINUTE ENTRY

Pursuant to Ariz. R. Civ. P. 7.1(e)(2),

**IT IS ORDERED** denying any Motions for Reconsideration of August 2017 rulings in this matter that are contained in Plaintiffs' filings of April 13, 2021, and April 21, 2021. The rulings are nearly four years' old and are law of the case. *Cypress on Sunland Homeowners Ass'n v. Orlandini*, 227 Ariz. 288, 296 (App. 2011).

The Court notes that this matter is set for a six-day trial to a jury beginning July 19, 2021. Therefore,

**IT IS ORDERED** setting a **June 11, 2021**, Trial Planning Conference at **10:15 AM (15 minutes allotted)**.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-052655

05/11/2021

**IT IS FURTHER ORDERED** vacating and resetting the Final Trial Management Conference previously set on June 18, 2021, to **July 2, 2021, at 9:45 AM(15 minutes allotted)**. Pretrial deadlines are adjusted accordingly if they are based off the date of the Final Trial Management Conference (e.g., the deadline for motions *in limine*).

**IT IS FURTHER ORDERED** that, per Admin. Order No. 2021-031, the Parties shall prepare a joint Trial Readiness Form and e-file it (simultaneously submitting a copy via email to Division Staff [Stephanie.Castrellon@jbazmc.Maricopa.gov](mailto:Stephanie.Castrellon@jbazmc.Maricopa.gov) and [Jaime.Ferniza@jbazmc.Maricopa.gov](mailto:Jaime.Ferniza@jbazmc.Maricopa.gov)), no later than **June 8, 2021**; the Trial Readiness Form shall include among its contents:

- Filing date of the Complaint in this matter;
- Number of anticipated trial days, including jury selection (Court reserves one day for selection and preliminary instructions), as well as anticipated time for deliberations;
- Name and position of essential in-person trial participants (defined below);
- Number of jurors desired as optimal venire, and whether the Parties agree to a reduction in the number of jurors empaneled, and, if so, the agreed upon number;
- Whether the Parties request virtual jury selection, in-person jury selection, or hybrid jury selection (Hybrid jury selection refers to jurors who can appear from home entering the virtual courtroom while jurors who are unable to appear virtually participate in-person.)
- Whether the Parties consent to the jurors using Court Connect to hear the evidence rather than appearing in-person for trial;
- Whether the case could be appropriate for “stand-by status” (Stand-by status refers to a trial that can begin if parties are given one-week notice.)
- Number of any prior trial settings and reasons for continuances;
- Preferred dates for trial; and
- Whether the case has unique challenges or scheduling issues that affect trial setting.

Essential in-person trial participants include necessary attorney(s), parties or party representatives, individuals identified by the judge as essential, court reporter, interpreter, and expert witness(es) if observing trial in-person rather than virtually. All civil courtrooms have the capability for hybrid trials with some participants virtual and others in-person. Therefore, individuals can participate in the trial without being physically present in the courtroom. Witnesses are considered essential trial participants and regardless of the number of witnesses called on a particular day, the number of essential trial participants should only identify one “Witness.” For example, only:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-052655

05/11/2021

**Essential trial participants:**

1. *Bob Jones: Plaintiff's attorney*
2. *Cindy Shell: Plaintiff*
3. *Interpreter for Cindy Shell*
4. *John Shell: Plaintiff (John would prefer to appear in-person, but is willing to appear virtually)*
5. *Susan Wall: Defendant's attorney*
6. *Jordan Glass: Defendant party representative*
7. *Witness*
8. *Court reporter*

**Requested additional participants if spacing permits:**

1. *Plaintiffs' paralegal*
2. *Defendant's expert for Day 4 of trial (Defendant's expert can appear virtually to observe trial if spacing does not permit his physical appearance).*
3. *Defendant's co-counsel*

For both the **June 11, 2021, Trial Planning Conference, and the July 2, 2021, Final Trial Management Conference**, please join the hearing via:

<https://tinyurl.com/Courtroom108>

You may need to type the link directly into your browser in lieu of clicking.

You can also dial in using your phone.

Phone: [+1 917-781-4590](tel:+19177814590) and Conference ID: 929 847 029#

Use of the above link can also be made easier by downloading the Microsoft Teams application first; for more on the new platform, including an introduction video and participant guide, please visit: <https://superiorcourt.maricopa.gov/court-connect>

**NOTE:** 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 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.