

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-051329

05/08/2024

HONORABLE SUSANNA C. PINEDA

CLERK OF THE COURT  
S. McNeil/J. Escarcega  
Deputy

MERIDIAN CONDOMINIUMS  
HOMEOWNERS ASSOCIATION

EMILY H MANN

v.

BRUCE D MCBRIDE, et al.

ROBERT S REDER

JUDGE PINEDA

MINUTE ENTRY

This Court has received Plaintiff's Motion for Sanctions which outlines the difficulty in communicating with Defendants. Review of the Court's docket shows that some of the communications took place after Defendants' former counsel filed their Motion to Withdraw but *prior* to the Court granted their withdrawal. The Court reminds Plaintiff that until the Court grants a motion to withdraw, the Defendants continued to be represented. The Court, however, recognizes that after new counsel entered his notice of appearance, there appears to have been a complete failure to communicate with Plaintiff's counsel and as a result, the case has stalled.

The Court also notes that while Plaintiff expressed a potential need to do so, except as alluded to in their Motion for Sanctions, Plaintiff has not filed a Motion to Compel Discovery. In its current Motion, Plaintiff does not seek to compel, it merely seeks sanctions under Rules 16 and 37 of the Arizona Rules of Civil Procedure, and pursuant to A.R.S. §12-349. Plaintiff further asks that the Court strike Defendant's answer and allow them to obtain default judgment. Defendants have not responded to the Motion for Sanctions. This causes the Court great concern.

The Court will first address Plaintiff's apparent Rule 37 Motion to Compel. It is apparent that disclosures have not been made and that Plaintiff seeks sanctions in the form of striking

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Defendant's answer and allowing them to proceed by default. This requests is premature in that Plaintiff's should have first sought court intervention to compel disclosure.

Therefore,

**IT IS ORDERED** denying Plaintiff's request to strike Defendant's answer.

**IT IS ORDERED** that Defendants shall provide their Initial Disclosure Statement **no later than noon on Friday, May 17, 2024.**

Should Defendant's fail to provide their initial disclosure by this deadline,

**IT IS FURTHER ORDERED** setting a show cause hearing on **May 20, 2024, at 11:00 (1 hour / 30 minutes per side)** to determine if Defendant will be precluded from presenting any witnesses at trial.

In its Motion for Sanctions, Plaintiff cites Rule 16, Rule 37 and A.R.S. §12-349. Each permits the Court to impose attorneys' fees for failing to provide discovery and unreasonably expands or delays the proceeding. Plaintiff has provided sufficient evidence that Defendants' have disengaged from this matter resulting in significant delays in this matter.

**IT IS ORDERED** granting Plaintiff's requests for attorney's fees resulting from their attempts to obtain disclosures from Defendants after current defense counsel appeared in this action. Plaintiff shall provide their China Doll Affidavit and proposed form of order no later than 20 days from the day of this order.

The Court expects the parties to appear by videoconference unless permission is otherwise given by the Court.

**IT IS ORDERED** that the parties are directed to contact the division via *video* conference using Court Connect on the date and time of the hearing. Information regarding access to this division's virtual courtroom is listed below.

**Enter the following address into your web browser and connect through Microsoft Teams or your browser**

[www.tinyurl.com/jbazmc-cvj12](http://www.tinyurl.com/jbazmc-cvj12)

Use of the above link can 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/>

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[If necessary, you may connect to the meeting via telephone:](#)

+1 (917) 781-4590

**Microsoft Conference ID: 508 176 593#**

NOTE: All court proceedings are recorded digitally 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.

**TRIAL EXHIBITS**

This division is using Case Center, a state-wide electronic exhibit portal. All exhibits should be electronically submitted through Case Center. When the case has been initiated by the Clerk of Court, the attorney of record and any self-represented party will receive an email invitation to the case created in Case Center. **The attorney of record is responsible for inviting through Case Center any co-counsel or staff who need access to the case.**

For uploading exhibits to Case Center, please adhere to the following guidelines:

1. Exhibits must be appropriately titled. Any exhibit title containing derogatory or prejudicial information will be renamed by the Clerk.
2. **Do not put exhibit numbers in your exhibit titles.** Case Center will assign an exhibit number to each exhibit upon upload, and will number Plaintiff's exhibits and Defendant's exhibits separately (e.g., Plaintiff's exhibit 1; Defendant's exhibit 1, etc.).
3. Do not submit duplicate exhibits. **It is essential that the parties confer to avoid submitting duplicate exhibits.**
4. Original Depositions will not be marked as an exhibit. **Original** depositions to be used for impeachment purposes shall be provided in paper form to the Clerk on the first day of the hearing/trial to be hand-filed.

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5. If large charts or blow-ups are anticipated to be used, please include a small version (or photo) which can be marked as the exhibit. **The charts and blow-ups are used for demonstrative purpose only, are not marked as the exhibits, and are returned.**

The Court, Clerk, and all counsel and self-represented parties will have access to the exhibits through Case Center. The Court will not have paper copies of exhibits available for witnesses. Counsel may use the Case Center presentation software or may use their own trial presentation software to present exhibits to witnesses and the jury, as long as counsel can avow that the exhibits they present are true and accurate copies of the Court's exhibits. These matters will be discussed further at the Final Trial Management Conference.

For further information about Case Center and training materials:

- <https://digitalevidence.azcourts.gov/>
- <https://www.azcourts.gov/digitalevidence/Training/Attorney-and-Self-Represented-Litigants>
- [Contact Us \(azcourts.gov\)](#)