

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-015220

05/16/2025

HONORABLE RODRICK COFFEY

CLERK OF THE COURT
M. R. Diaz
Deputy

JIMBO L L C

KIM ROBERT MAEROWITZ

v.

SAFARI DRIVE CONDOMINIUM
ASSOCIATION

SAFARI DRIVE CONDOMINIUM
ASSOCIATION
4739 N SCOTTSDALE RD
SCOTTSDALE AZ 85251

ERIN E MCMANIS
JUDGE COFFEY

EVIDENTIARY HEARING SET

East Court Building – Courtroom 511

2:31 p.m. This is the time set for a telephonic Order to Show Cause Hearing regarding Plaintiff JIMBO LLC'S Motion For Preliminary Injunction, filed April 30, 2025. Plaintiff JIMBO, LLC, is represented by counsel of record, Kim Robert Maerowitz. Defendant Safari Drive Condominium Association is represented by counsel, Erin E. McManis. All participants appear telephonically.

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

Discussion is held regarding service.

Discussion is held regarding the resolution of this matter.

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Discussion is held in regards to setting an Evidentiary Hearing.

Based upon the discussion held on the record,

IT IS ORDERED setting an **Evidentiary Hearing** regarding Plaintiff JIMBO LLC'S Motion For Preliminary Injunction, filed April 30, 2025, on **June 30, 2025, 2:00 p.m. (2 hours allotted)** before:

**THE HONORABLE DAVID MCDOWELL
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
5TH FLOOR, COURTROOM 511
101 W. JEFFERSON STREET
PHOENIX, AZ 85003**

NOTE: Due to judicial rotations, the Honorable David McDowell is assuming this calendar effective June 30, 2025.

The parties/attorneys are advised that the failure to appear for the hearing may result in sanctions, including dismissal of the action per Rule 16(F) of the Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED counsel shall file no later than **(seven days prior to hearing)** a Joint Prehearing Statement signed by all counsel/parties. The Joint Prehearing Statement shall include a final hearing witness list. This list shall contain the name of each witness a party actually intends to call at the hearing, the day on which he/she intends to call each witness, and the **estimated time needed for direct, cross, and re-direct examination.**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

Discussion is held regarding discovery.

2:54 p.m. Matter concludes.

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EXHIBIT REQUIREMENTS

IT IS ORDERED that the parties submit any proposed hearing exhibits as follows:

- 1. Submit Hearing Exhibits through Case Center.** This division is using Case Center (also known as Case Lines), a statewide electronic exhibit portal. Attorneys must submit exhibits through Case Center; Self-Represented Litigants can request to opt-out of Case Center by contacting the judge's division at cvj05@jbazmc.maricopa.gov. Unless otherwise ordered, Exhibits must be submitted at least **5 business days (not including weekends)** before the hearing as provided below.
- 2. Opting Out of Case Center (Self-Represented Litigants only).** A Self-Represented Litigant may opt out of Case Center no less than 10 calendar days before the trial/evidentiary hearing (or within 24 hours of being served with notice if the party is served less than 10 calendar days before the evidentiary hearing). The Self-Represented Litigant must email the other Self-Represented Litigants or counsel and the assigned judicial division to notify the court that they are opting out and to request instructions for submitting exhibits. Self-Represented Litigants must comply with the deadline for submitting Exhibits. Each party must make sure the Court has the party's valid current email address. If you do not have an email address, you can obtain a free one through accounts.google.com. Each party must register for Case Center at www.azcourts.gov/digitalevidence. The website has links to training resources that will guide you through uploading exhibits and navigating Case Center. The Clerk of Court will email each party (or their attorney of record) a case-specific Case Center link that the party will use to upload exhibits. For assistance with Case Center invitations only, email the Clerk of Court at COCExhibitQuestions@maricopa.gov. The email subject line should include the case number. The body of the email should include the parties' names, the assigned judge's name, and explain that the sender is requesting help with a Case Center invitation.
- 3. Exhibit Format.** Case Center accepts most digital formats (including photographs, PDFs, Word files, audio files, and video files). Case Center automatically numbers the exhibits. Plaintiff/Petitioner's exhibits have an A- prefix (Exhibit A1, A2, etc.), and Defendant/Respondent's exhibits have a B- prefix (Exhibit B1, B2, etc.). During the hearing, the parties must refer to exhibits using the Case Center exhibit numbers. For assistance with Case Center, contact AOC Support Services at (602) 452-3519 (option 5) or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM, excluding State holidays.

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4. **Exhibit Upload Assistance.** Scanners are available at each of the regional court Law Library Resource Centers. Each scanner has an attached computer and instructions on how to upload exhibits into Case Center.
5. **Exchange Exhibits.** At least **5 business days (not including weekends)** before the hearing, you must give the other party copies of all exhibits you submitted for use at the hearing.
6. **Physical Exhibits.** The Courtroom Clerk will handle marking physical exhibits for Self-Represented Litigants who opt out of Case Center. Attorneys who submit physical exhibits must create a placeholder in Case Center and include “Physical Exhibit” in the name of the exhibit prior to submitting the physical exhibit(s) to the judge’s division. The collection of physical exhibits must have a Physical Exhibit Case Coversheet that includes the following: (1) the name of the party submitting the exhibit(s); (2) the case number; (3) the date of hearing; and (4) the exhibit number(s) and description(s). In addition, each individual exhibit must have an Exhibit Coversheet printed on color paper indicating the physical exhibit’s exhibit number in Case Center. For Self-Represented Litigants, if any individual exhibit is a document that is longer than ten (10) pages, each page of the exhibit should be numbered. Division staff will provide the exhibits to the Courtroom Clerk for marking. The Courtroom Clerk will mark physical exhibit(s) with the same exhibit number used in Case Center
7. **Devices and WiFi.** If needed, hearing participants may request to use a court-provided devices to view and present exhibits during an evidentiary hearing. All requests for access to a court-provided device must be submitted to the division via email **5 calendar days before the Hearing (not including weekends)**. Hearing participants can connect to the court’s free MCPUBLIC WiFi for up to 90 minutes. For evidentiary hearings/trials longer than 90 minutes, WiFi users, the parties may request access to MCSponsored WiFi which will allow access to WiFi without the need to reconnect after 90 minutes by emailing the assigned division **10 calendar days in advance of any Hearing**. Self-Represented Litigant access will be valid for 60 days; lawyer and nonlawyer representative access will be valid for 365 days.
8. **Remote Witnesses.** Any party who calls a witness who is appearing remotely (i.e., by telephone or videoconference) should either (1) provide the witness with a copy of all exhibits or (2) ensure that the remote witness has an electronic device available that allows them to view exhibits displayed on a screen through either Case Center or Teams.
9. **Exhibit Presentation During Hearings.** Unless indicated otherwise in any hearing-specific court minute entry or order, offerors may, but are not required to, use Case

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Center to present (e.g., show to the court, a witness, or the jury) evidence during a Hearing. Options for presentation of evidence include but are not limited to the following: (1) use of paper copies of the exhibits that have been uploaded to Case Center; (2) use of evidence presentation software and/or PDF viewers to display PDFs of exhibits that have been uploaded to Case Center; (3) screen sharing of Case Center through Court Connect (Teams); and (4) use of Case Center “Presentation” mode to share exhibits. Parties are strongly encouraged to download PDFs of their Case Center exhibits and/or have paper copies available in the event there are technological difficulties in the courtroom.

- 10. Additional resources.** For Case Center related training and questions, the parties may wish to visit the Thomson Reuters Case Center Home Page at <https://answers.legalprof.thomsonreuters.com/casecenter-us/search>. For technical issues with Case Center, parties may contact AOC Support Services Monday – Friday from 7:00 AM – 6:00 PM, excluding State holidays, at (602) 452-3519, 1-800-720-7743 (toll free), or pasupport@courts.az.gov. The parties may also wish to review A.O. 2024-080 at <https://superiorcourt.maricopa.gov/departments/superior-court/civil/case-center/> for additional information regarding Case Center.

NOTE: Depositions will not be marked as exhibits. If you plan to read from a deposition or use the deposition for impeachment purposes, you will need to supply an ORIGINAL transcript to the courtroom clerk for filing. Copies will not be filed with the clerk.

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.