

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-052807

06/24/2013

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT  
M. MINKOW  
Deputy

SOLERA CHANDLER HOMEOWNERS  
ASSOCIATION INC

KELLIE J CALLAHAN

v.

LEONIDAS P SPALLAS, et al.

LEONIDAS P SPALLAS  
DAWN SPALLAS  
3840 E SAW TOOTH DR  
CHANDLER AZ 85249

GALLIOS & BOLAND P C  
3131 E CAMELBACK RD  
STE 230  
PHOENIX AZ 85016  
NICHLAS P SPALLAS  
JEFFREY L SMITH  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**SCHEDULING ORDER SIGNED**  
**REFERRAL TO ADR FOR SETTLEMENT CONFERENCE**  
**TELEPHONIC STATUS CONFERENCE SET**

4:33 p.m. Courtroom 108 NE. This is the time set for Telephonic Rule 16 Scheduling Conference. Appearing telephonically on behalf of Plaintiff is counsel, Kellie J. Callahan. Appearing telephonically on behalf of Defendants Christine and Nichlas Spallas is counsel, Nichlas Spallas. Appearing telephonically on behalf of Counterdefendant Solera is counsel, Jeffrey Smith (who has not yet made a formal appearance).

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-052807

06/24/2013

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has received the parties' Rule 16(b) Joint Pretrial Memorandum and accompanying proposed form of order.

The Court understands that the parties stipulate to the deadlines reflected in their Rule 16(b) Joint Pretrial Memorandum and proposed form of order.

Discussion is held.

By agreement of the parties,

IT IS ORDERED that the parties shall participate in a mandatory Settlement Conference. This case is referred to the court's Alternative Dispute Resolution Office for the appointment of a judge *pro tempore* to conduct a settlement conference. **Counsel and/or parties will receive a minute entry from ADR appointing the judge *pro tempore*.** Counsel and any self-represented litigants shall contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than **October 25, 2013**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

IT IS FURTHER ORDERED approving and settling the formal written Order which is signed by the Court on June 24, 2013 and filed (entered) by the Clerk on June 24, 2013.

**Please note:** The Court has signed a hard-copy version of the order provided with an electronically filed pleading. Copies of the order and self-addressed, stamped envelopes were not available for mailing to the parties. After the order has been scanned and docketed by the Clerk of Court, copies of this order may be available through ECR Online at [clerkofcourt.maricopa.gov](http://clerkofcourt.maricopa.gov) or through [AZTurboCourt.gov](http://AZTurboCourt.gov) and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

IT IS FURTHER ORDERED:

1. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be allowed at trial other than those disclosed in a timely manner, except for good cause shown or by written agreement of the parties.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-052807

06/24/2013

2. A telephonic status conference is set for **November 1, 2013 at 9:00 a.m. for 15 minutes before Judge Michael D. Gordon** for the purpose of assigning a trial date if the case has not settled.

**NOTE:** Plaintiff shall be responsible for initiating the conference call by calling the Court at **602-372-0762**, with all participating parties and counsel on the line at the date and time specified above.

3. Should any discovery disputes arise, any party seeking a discovery order shall, prior to filing discovery motions, meet and confer pursuant to Rule 37(a)(2)(C) of the Arizona Rules of Civil Procedure. Counsel are advised that, as the Court interprets Rule 37(a)(2)(C), an exchange of correspondence between counsel is **not** sufficient to satisfy the “personal consultation” requirement of the Rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the Court. After personal consultation, the parties are encouraged to call the Court, by joint telephone call, to address discovery disputes in order to resolve issues in a just, speedy and inexpensive manner. See Ariz. R. Civ. Proc., R.1 (2013).
4. If the parties agree to extensions for time to respond or reply to motions, they are to advise the Court in writing in order to avoid premature rulings. See, e.g., Ariz. R. Civ. Proc., R.7.1 (2013). Further, the parties are encouraged to call the Court if a motion has been fully briefed—that is, the time has expired for a response or reply—and a ruling has not been made within 21 days.
5. The dates set forth in the Scheduling Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.
6. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived until otherwise ordered by the Court.
7. In no less than **five days** prior to the Status Conference set herein, the parties shall submit a Joint Status Report to the Court containing a brief history of the case, the status of discovery, any outstanding discovery disputes, and the status of the parties’ settlement efforts.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-052807

06/24/2013

IT IS FURTHER ORDERED that if counsel representing a corporate entity seeks to withdraw from representation, he/she must advise the Court that he/she has informed the principals of that corporation that a corporation cannot represent itself in any court proceeding.

4:42 p.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.