

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-052668

06/04/2019

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT
W. Tenoever
Deputy

ROWLEY FAMILY TRUST, THE, et al.

JUSTIN R COOLEY

v.

DOVE VALLEY RANCH COMMUNITY
ASSOCIATION, et al.

B AUSTIN BAILLIO

AMANDA E NELSON
COURT ADMIN-CIVIL-ARB DESK
JUDGE CAMPAGNOLO

MINUTE ENTRY REGARDING COMPULSORY ARBITRATION

The Court has reviewed Plaintiffs' Certificate of Compulsory Arbitration filed on June 27, 2018, and Defendant Dove Valley Ranch Community Association's Controverting Certificate Regarding Compulsory Arbitration filed on September 19, 2018. Defendants dispute Plaintiffs contention that the amount in controversy exceeds \$50,000.00. Neither party brought this dispute to the Court's attention, so the Court was only recently made aware of it by Court Administration. The Court needs to determine if there is still a dispute, and, if so, to resolve this dispute.

IT IS ORDERED that if the dispute has been resolved by the parties, they shall file a joint notice of the resolution no later than **June 21, 2019**. If the dispute has not been resolved, the following procedures must be followed:

- If not already done, Plaintiff shall, no later than **July 1, 2019**, serve a comprehensive disclosure statement that addresses the issue of Plaintiff's claimed damages. In addition to what otherwise may suffice as compliance with Rule 26.1, "comprehensive" should be understood to include an itemized list of each element of compensatory and consequential damages that Plaintiff seeks together with a detailed description that would allow one to understand how each such amount of claimed damages was calculated (merely reciting a

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-052668

06/04/2019

number will not be sufficient). If Plaintiff is serious about seeking recovery for any damages that do not lend themselves to more than an approximate calculation, then Plaintiff must disclose the approximate amount or range that Plaintiff anticipates requesting as an award at trial and a detailed explanation showing that the amount or range is reasonable. In addition, with that disclosure, Plaintiff must attach all documents that in any way support the claimed damages.

- After receipt of the comprehensive disclosure statement, or if Plaintiff fails to comply with the requirements of the preceding paragraph, if Defendants continue to maintain that the case is subject to compulsory arbitration, then Defendants shall file a request with this division to refer the case to Civil Court Administration-Arbitration Desk, attaching a copy of Plaintiff's comprehensive disclosure statement. The motion should not be longer than three pages, including the caption and signature block. The Court will then determine whether the matter should or should not be referred for compulsory arbitration.
- After receipt of the Plaintiff's comprehensive disclosure statement, if Defendants conclude that it would be pointless to request a referral to arbitration, Defendants shall notify Plaintiff, and in that event, the parties shall comply immediately with Rule 16(b) and (c), failing which, this case will be dismissed.

IT IS FURTHER ORDERED that, whether before, during, or after preparation of the comprehensive disclosure statement, if Plaintiff concludes that the case is subject to compulsory arbitration, Plaintiff's attorney should notify this division by email to the Division's Judicial Assistant, Carla Estrada, at estradac001@superiorcourt.maricopa.gov, and a referral to the Civil Court Administration – Arbitration Desk will be made.

IT IS FURTHER ORDERED that if the Court does not receive any notification from either party by **July 5, 2019** as to whether this case is or is not subject to compulsory arbitration, the Court will automatically presume that the case is subject to compulsory arbitration, and will refer the parties to the Civil Court Administration – Arbitration Desk for the appointment of an arbitrator.