

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-003577

06/15/2020

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
S. Motzer
Deputy

CLUB WEST CONSERVANCY

FRANCIS J SLAVIN

v.

FOOTHILLS CLUB WEST COMMUNITY
ASSOCIATION, et al.

JEFFREY G SOLLOWAY

SCOTT CARPENTER
JUDGE KILEY

MINUTE ENTRY

East Court Building – Courtroom 911

10:00 a.m. This is the time set for a telephonic Order to Show Cause Return Hearing on the Application for Temporary Restraining Order and Preliminary Injunction. Plaintiff is represented by counsel, Francis J. Slavin. Plaintiff representative, Matthew Tyler is also present. Defendants are represented by counsel, Jeffrey G. Solloway and Scott Carpenter. Defendants, Michael P. Hinz and Martha Neese are also present.

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

Argument is presented to the Court.

Counsel for Plaintiff presents argument to the Court.

Counsel for Defendants presents argument to the Court.

Discussion is held.

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Based on the foregoing,

IT IS ORDERED setting a video conference Hearing on the Application for Preliminary Injunction on **October 5, 2020 at 9:00 a.m. (time allotted 5 hours: 2.5 hours for each side).**

NOTE: Due to the uncertainty of issues related to COVID-19, **counsel is directed to contact the Division at (602) 372-3839 no later than September 30, 2020** to confirm the method by which the virtual hearing will be held.

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.

IT IS FURTHER ORDERED that, **no later than 5:00 p.m. on September 25, 2020**, the parties shall file a Joint Pre-Hearing Statement listing their witnesses and exhibits, and setting forth their respective positions.

IT IS FURTHER ORDERED that each party shall deliver all exhibits such party intends to offer at the trial to this Division to be marked **no later than September 25, 2020**. The parties shall deliver a bench copy of all exhibits marked for trial for the Court's use during the hearing. **Please arrange for the bench copy to be submitted in binders with numbered tabs. The clerk's copy should be sent in PDF format with a cover sheet and divider pages in a single email to COCCRSExhibits-DT@maricopa.gov.**

IT IS FURTHER ORDERED the parties shall submit their Joint Proposed Scheduling Order for accelerated discovery in preparation for the Preliminary Injunction Hearing **no later than June 25, 2020**.

Discussion is held.

At the June 22, 2020, Oral Argument on the Defendants' Motion to Dismiss, the parties shall be prepared to discuss whether they will stipulate to the entry of a Temporary Restraining Order, to be in effect until a ruling on the Application for Preliminary Injunction and with a bond of \$0.00, that provides that the Defendant Association and its Board of Directors, as purported Declarant under the Golf Course Declaration, shall not vote on an amendment to the Golf Course

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Declaration and shall not submit a proposed amendment or request for ratification of an amendment to the Golf Course Declaration to the members.

Further discussion is held.

11:02 a.m. Matter concludes.