

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-003577

06/22/2020

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
K. Cabral
Deputy

CLUB WEST CONSERVANCY

FRANCIS J SLAVIN

v.

FOOTHILLS CLUB WEST COMMUNITY
ASSOCIATION, et al.

JEFFREY G SOLLOWAY

JUDGE KILEY

MINUTE ENTRY

East Court Building – Courtroom 911

2:01 p.m. This is the time set for a telephonic Oral Argument on the Motion to Dismiss, the Response thereto, and the Reply in support thereof. 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.

Discussion is held regarding the issue of the temporary restraining order.

Counsel for Plaintiff requests an evidentiary hearing regarding the issuance of a temporary restraining order. Discussion is held thereon.

For the reasons stated on the record,

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IT IS ORDERED setting an Evidentiary Hearing on **July 6, 2020 at 2:00 p .m. (2 hours allotted, i.e., 1 hour allotted to each party)** before this Division.

HON. DANIEL J. KILEY
Maricopa County Superior Court
East Court Building
101 West Jefferson Street
9th Floor, Courtroom 911
Phoenix, AZ 85003

NOTE: Due to issues with COVID-19, counsel and self-represented parties are directed to participate for said hearing by using GoToMeeting for video purposes, along with the established Conference Bridge for the purposes of audio recording through the Court's system. You must download the GoToMeeting application to your device (i.e. computer, tablet, or SMART phone) to access the hearing. This can be done by clicking the link at the bottom of the invitation below, which will also be sent in a subsequent email.

Invitation

CV2020-003577 Club West Conservancy v. Foothills Club West Community Association
Monday, July 6, 2020 2:00 PM to 4:00 PM (MST)

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/470088373>

Please mute your device during the hearing to prevent feedback.

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/470088373>

Bridge Line:

602-506-9695 or 1-855-506-9695

Access Code:

953806

IT IS FURTHER ORDERED that counsel and self-represented parties shall submit their exhibits to this Division via email to **Rolena.Gomez@JBAZMC.maricopa.gov no later than 5:00 p.m. on June 29, 2020.** A copy of the exhibits shall be emailed to the opposing party at the same time the exhibits are submitted to this Division.

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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 **July 1, 2020**, each party shall file a List of Witnesses and Exhibits identifying all witnesses and exhibits such party intends to present at the Evidentiary Hearing.

IT IS FURTHER ORDERED that each party shall deliver all exhibits such party intends to offer at the hearing to this Division to be marked no later than **June 29, 2020**. Exhibits guidelines are attached herein

Argument is presented to the Court regarding Defendant's Motion to Dismiss filed April 6, 2020.

Counsel for Plaintiff presents argument to the Court.

Counsel for Defendant presents argument to the Court.

Based on the matters presented,

IT IS ORDERED taking this matter under advisement.

2:40 p.m. Matter concludes.

Procedures for Submitting Exhibits

- Please provide an exhibit list with a brief description for each exhibit. The list should contain the case number, the caption, scheduled trial date, and the party submitting the exhibits.
- Descriptions of the exhibits should be concise and can be as simple as "letter," "email," or "photo." Do not use a description that cannot be verified by looking at the first page of the document or item. Do not use Bates numbers in your description of the exhibits.

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- The parties shall meet and confer to insure that there are **NO** duplicates submitted.
- The parties shall provide a list of any exhibits that have been stipulated into evidence.
- The parties shall deliver a bench copy of all exhibits marked for trial for the Court's use during trial. **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. Each divider page shall reflect the number of the exhibit.**
- Exhibits will be marked numerically and consecutively.
 - Plaintiff(s) exhibits will be marked first followed by Defendant(s).
 - Numbers will **NOT** be skipped or "saved" in anticipation of additional exhibits to be submitted. If there is a blank, the next exhibit shall be marked consecutively to the previously numbered exhibit and the numbering of your exhibit list will not match the numbering of the Court's exhibit list.
 - Subsections of exhibits will be marked as the next available number. Do **NOT** use subsections of exhibits (ex: 4a or 4.1). If subsection are used, each subsection will be marked as the next consecutive number and the numbering of your exhibit list will not match the numbering of the Court's exhibit list. Please use the next consecutive number for each exhibit.