

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-050453

06/25/2020

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT
G. Chavez
Deputy

VILLAGE AT GRAYHAWK OWNERS
ASSOCIATION

JOSHUA M BOLEN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES
1610 W ALOE VERA DR
PHOENIX AZ 85085
COURT ADMIN-CIVIL-ARB DESK
JUDGE CAMPAGNOLO

MINUTE ENTRY AND AMENDED SCHEDULING ORDER

The Court has reviewed and considered Defendant/Counterplaintiff Kathryn Marie Jones' pleading entitled "Title II Americans with Disabilities Act Accommodations Request Grievance Complaint Filed with the Presiding Judge Pursuant to ADA Access Policy Section 5 Proceedings, and Her 2nd Request for a Stay of All Further Case Activities which was Originally Ignored by the Court Which Has Directly Caused Personal Injuries to Occur." The Court has also considered Ms. Jones' previous pleadings, the Court's Minute Entries and Orders relevant to this pleading, and the applicable law.

On March 10, 2020, this Court granted a stay of all proceedings to April 20, 2020 to allow Ms. Jones' to attempt to retain legal counsel.

On April 20, 2020, the Court issued a Minute Entry regarding Ms. Jones' ADA requests. The Court found that Ms. Jones has disabilities that entitle her to ADA accommodations. Pursuant to that finding, the Court basically granted all of her requests, except that it did not

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grant her request that all motions for extensions or delays would be automatically granted without the Court reviewing the requests on a motion-by-motion basis, which the Court found not to be a reasonable accommodation.

Ms. Jones' current pleading disputed the manner in which the Court handled her requests in 2017, and objected to the Court's decision not to stay this case for an indefinite period of time, based on her disabilities. The current pleading does not contain any specific requests that would fall within the Court's Minute Entry of April 20, 2020, except for the general request that this case should be stayed indefinitely. Ms. Jones did not place a time period in which a stay would end. The Court has previously granted Ms. Jones' request for certain ADA accommodations. The Court cannot stay this matter indefinitely. This case has been pending since February 25, 2016, a period in excess of four years. The Court finds that Ms. Jones' request for an indefinite stay of the proceedings is not a reasonable accommodation.

In reviewing the pleadings in this case, the Court realized that the Scheduling Order was not amended to account for the period in which this matter was stayed. To ameliorate the delay, the Court, on its own motion, is entering a third amended scheduling order.

IT IS ORDERED that the portion of Defendant/Counterplaintiff Kathryn Marie Jones' pleading entitled "Title II Americans with Disabilities Act Accommodations Request Grievance Complaint Filed with the Presiding Judge Pursuant to ADA Access Policy Section 5 Proceedings" is referred to Court Administration.

IT IS FURTHER ORDERED that the portion of Defendant/Counterplaintiff Kathryn Marie Jones' pleading entitled "Her 2nd Request for a Stay of All Further Case Activities which was Originally Ignored by the Court Which Has Directly Caused Personal Injuries to Occur" is denied.

IT IS FURTHER ORDERED that the Third Amended Scheduling Order is entered, as follows:

1. The parties shall simultaneously disclose their rebuttal expert opinions by July 31, 2020.
2. The parties shall disclose all lay witnesses by July 31, 2020.
3. Each party shall provide final supplemental disclosure by August 31, 2020. This order does not replace the parties' obligation to seasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

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4. No party shall use any lay witness, expert witness, expert opinion, or exhibit at trial not disclosed in a timely manner, except upon order of the court for good cause shown or upon a written or an on-the-record agreement of the parties.
5. The parties will propound all discovery undertaken pursuant to Rules 33 through 36 by July 31, 2020. The parties will complete the depositions of parties, lay witnesses, and expert witnesses by August 15, 2020. The parties will complete all other discovery by August 15, 2020. ("Complete discovery" includes conclusion of all depositions and submission of full and final responses to written discovery.)
6. The deadline for a settlement conference passed on January 14, 2020, which was prior to the filing of the Motion to Stay. The settlement conference deadline shall not be changed.
7. The parties shall file all dispositive and Daubert motions by September 15, 2020. Failure to file such a motion as to an expert's qualifications by the deadline shall constitute a waiver of (1) any objection that an expert is not qualified to render expert testimony, and/or (2) any objection that any opinion of the expert should be excluded under ARIZ. R. EVID. 702, and/or (3) A.R.S. §12-2604.
8. The parties previously estimated the number of days for trial to be 4 days.

IT IS FURTHER ORDERED that the Minute Entry filed on June 25, 2020 that rescheduled the trial setting conference to August 27, 2020 at 8:45 a.m. is vacated.

IT IS FURTHER ORDERED that the trial setting conference is rescheduled from August 27, 2020 at 8:45 a.m. to **October 9, 2020 at 10:30 a.m.** (15 minutes allotted). Attorneys and self-represented parties shall have their calendars available for the conference. Plaintiff's counsel will initiate the conference call by arranging for the presence of all other counsel and self-represented parties, and by calling this division at (602) 372-0537 at the scheduled time.