

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-005607

06/09/2022

HON. PAMELA GATES

CLERK OF THE COURT
N. Johnson
Deputy

RUSSELL RANCH HOMEOWNERS
ASSOCIATION INC

GREGORY A STEIN

v.

TIMOTHY J HANSON, et al.

ROBERT J MCGEE

JUDGE GATES
JUDGE VIOLA

MINUTE ENTRY

East Court Building – Courtroom 912

10:30 a.m. This is the time set for a virtual return hearing regarding plaintiff's Request for Preliminary and Permanent Injunctions, filed May 4, 2022, pursuant to the Court's Order to Show Cause, filed May 17, 2022. Plaintiff, Russell Ranch Homeowners' Association, Inc., is represented by counsel, Greg A. Stein. Defendants, Timothy J. Hanson and Lisa M. Hanson, are present and are represented by counsel, Robert J. McGee.

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

Discussion is held regarding the status of the case with respect to plaintiff's Request for Preliminary and Permanent Injunctions, filed May 4, 2022 and settlement efforts. Counsel for plaintiff informs the Court that he waives the request for preliminary injunction.

Discussion is held regarding the setting of a trial date and whether the case will proceed as a bench trial or a jury trial. The Court addresses the defendants regarding the same.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-005607

06/09/2022

For the reasons stated on the record,

IT IS ORDERED setting this matter for a trial to the Court beginning on **September 29, 2022 at 9:00 a.m. to test technology and testimony will begin at 9:30 a.m.** The remaining day of trial, **September 30, 2022, will begin at 9:30 a.m.**

**THE HONORABLE DANIELLE J. VIOLA
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 WEST JEFFERSON
7TH FLOOR, COURTROOM 714
PHOENIX, AZ 85003
602-506-3442 TEL**

Trial hours and days are normally 9:30 a.m. to 4:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday.

IT IS FURTHER ORDERED, setting this matter for a Comprehensive Pretrial Management Conference on **August 19, 2022, at 1:30 p.m.** (time allotted: **30 minutes**) in this Division. All counsel must appear **in person** and cannot appear telephonically.

**THE HONORABLE DANIELLE J. VIOLA
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 WEST JEFFERSON
7TH FLOOR, COURTROOM 714
PHOENIX, AZ 85003
602-506-3442 TEL**

Brief discussion continues regarding whether the case will proceed as a bench trial or a jury trial. The Court encourages counsel to confer regarding the same.

Based upon the foregoing trial setting,

IT IS FURTHER ORDERED as follows:

DUTIES PRIOR TO THE PRETRIAL MANAGEMENT CONFERENCE

JOINT PRETRIAL STATEMENT: Counsel shall file with the Court no later than **5:00 p.m. on August 9, 2022,** a Joint Pretrial Statement conforming in all respects to Rule

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-005607

06/09/2022

16(f)(2)(A)-(M), ARCP, except as specifically otherwise provided herein, and signed by all counsel and parties representing themselves.

In addition to the information required by Rule 16(f)(2)(A)-(M), the Joint Pretrial Statement shall include an exhibit entitled: **Final Trial Witness List**. This list shall contain the name of each witness a party actually intends to call at trial, the day on which they intend to call each witness and the estimated time needed for direct, cross and re-direct examination.

DUTIES AT PRETRIAL MANAGEMENT CONFERENCE

At the Pretrial Management Conference, counsel shall be prepared to discuss:

- a) Time limits for opening statements, examination of witnesses and closing arguments.
- b) Stipulations for the foundation and authenticity of exhibits.
- c) Any special scheduling or equipment issues.
- d) **Exhibit objections.** Counsel shall bring to the Pretrial Management Conference all exhibits to which objections are being asserted, with an extra copy for the Court's use, and shall be prepared to resolve same at the conference. Accordingly, counsel **shall have conferred in person** with opposing counsel **prior** to the conference in an attempt to resolve any exhibit objections.

In addition to the information required by Rule 16(f)(2)(A)-(M), counsel shall at the Pretrial Management Conference provide to the Court copies of any deposition transcripts to be used at trial.

Counsel shall submit proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

Counsel are reminded to promptly notify the Court of any settlement pursuant to Rule 5.3(d), Ariz.R.Civ.P.

PROCEDURES FOR SUBMITTING EXHIBITS TO BE MARKED

Exhibits must be submitted **electronically**. For electronic exhibit submission, please visit, <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>. The webpage will provide instructions and guidance for electronic submission. Please **DO NOT** submit electronic exhibits

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-005607

06/09/2022

directly to the Division, but only through the Clerk of Court website. Electronic exhibits must be submitted no later than **3:00 p.m. on September 15, 2022**. If you have any questions, please contact the clerk at Keleigh.cabral@maricopa.gov or by telephone at 602.506.1474.

- a. **Bench Copies**: By the same date above, parties must deliver hard copies of the original exhibits in a notebook and an exhibit list for the Judge into this division's inbox at the entry to the division's courtroom.
- b. **Electronic Copies**: Ensure that each exhibit is separated by an Exhibit Slip Sheet to clearly identify individual exhibits. If exhibits are not clearly separated, they will be combined as one (1) document. The subject line of your email should include your case number, the party you represent, and the date and time of the trial, as well as the Judge who is assigned to your case.
- c. Depositions will **NOT** be marked as exhibits. If you plan to read from a deposition or use the deposition for impeachment purposes, you will need to supply an ORIGINAL to the courtroom clerk for filing. Copies will not be filed with the clerk.

NOTICE: Exhibits Marked But Not Offered

Exhibits submitted to the court for an evidentiary hearing, whether through hard copy or submitted electronically, that are marked as exhibits but are not offered into evidence at the evidentiary hearing will be destroyed following the hearing, unless a party requests that the evidence be returned at the conclusion of the hearing. Such requests must be filed with the Court and served on all parties in advance of the hearing or by no later than the conclusion of the hearing.

NOTE: The proceedings will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made digitally in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** 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.

10:40 a.m. Matter concludes.

NOTE: Effective **June 27, 2022**, all cases assigned to Judge Pamela Gates will be reassigned to Judge Danielle Viola due to judicial calendar rotations. Judge Viola will be located in the East Court Building, 101 East Jefferson, Suite 714, Phoenix, Arizona 85003 (telephone: 602-506-3442).