Clerk of the Superior Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-009417 06/04/2024

HONORABLE JAY RYAN ADLEMAN

CLERK OF THE COURT
L. Gilbert
Deputy

STEPHEN RICHER

DANIEL D MAYNARD

v.

KARI LAKE, et al.

JENNIFER JAYNE WRIGHT

WILLIAM MORRIS FISCHBACH III
TIMOTHY A LASOTA
DENNIS I WILENCHIK
JUDGE ADLEMAN

MINUTE ENTRY

The Court is in receipt of Plaintiff's Expedited Motion to Reconsider the Court's May 29, 2024 Minute Entry, as well as Defendants' (court-ordered) response. Plaintiff seeks reconsideration of the Court's ruling to the extent that it requested additional briefing with respect to certain discovery disputes between the parties.

The parties recently submitted several Rule 26(d) filings for the Court's review and consideration. The Court deemed it necessary for the parties to provide supplemental briefing with respect to two of those discovery disputes, *i.e.*, **(1)** the Joint Rule 26(d) Statement of Discovery Dispute re: Defendant Lake's Objections to RFPs; and **(2)** the Joint Rule 26(d) Statement of Discovery Dispute re: Defendant Lake's Possession, Custody, and Control of Discovery Documents.

Plaintiff now requests for this Court to issue a determination in the absence of any further briefing from the parties. In doing so, Plaintiff has provided the Court with his RFPs as well as Defendants' objections to those same discovery requests. Plaintiff has raised concerns with respect to the viability of the Court's current scheduling order in light of the prevailing disputes between the parties.

Notwithstanding Plaintiff's suggestion, however, the Court finds that additional briefing is required with respect to the *proportionality* of the pending discovery requests under Rule 26(b)(1), Arizona Rules of Civil Procedure. Plaintiff's requests are admittedly broad in scope; conversely, Defendants' objection(s) to any significant disclosure obligations is equally untenable. The Court requires additional briefing in order to address the important issues associated with Plaintiff's efforts at obtaining discovery in these proceedings. ***See*** Rule 26(d)(2), Arizona Rules of Civil Procedure.[1]

Accordingly,

IT IS ORDERED DENYING Plaintiff's motion for reconsideration in its entirety.

* * *

The Court has additionally considered Defendant Jeffrey Halperin's Rule 7.1 Motion to Strike, along with Plaintiff's response. Defendant Halperin requests for the Court to strike each of the Good Faith Consultation Certificates filed by Plaintiff in connection with three discovery-related disputes.

The Court has reviewed the Good Faith Consultation certificates at issue here. Although those filings contain a certain amount of contextual information, the Court finds that there is no legal basis to strike those filings. ***See*** Rule 7.1, Arizona Rules of Civil Procedure.

Accordingly,

IT IS ORDERED DENYING Defendant Jeffrey Halperin's motion in its entirety.

[1] The discovery rules are largely intended to be self-executing in nature. In this case, however, the parties have filed no less than six (6) separate motions addressing various discovery-related disputes arising during the past month. It is readily apparent that the Court's scheduling order might well be compromised by the inability of the parties to conduct discovery in the absence of this Court's intervention. ***See, e.g., Bryan v. Riddel,*** 178 Ariz. 472, 477, 875 P.2d 131, 136 (1994)(noting that the discovery rules require cooperation between the parties).