

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2025-012980

06/01/2026

HONORABLE ADELE PONCE

CLERK OF THE COURT  
L. Gilbert  
Deputy

LISA MARX

LISA MARX  
13610 N 111TH AVE  
SUN CITY AZ 85351

v.

TARA CONDOMINIUMS ASSOCIATION, et al. CHARLES H OLDHAM

JUDGE PONCE

MINUTE ENTRY

Before the Court is the Motion by Plaintiff Lisa Marx (“Plaintiff”) to Limit or Exclude the Testimony of Jean-Marie Bellington. The Court has reviewed the motion, the Response by Defendant Tara Condominiums Association, Inc. (“Defendant”) and Plaintiff’s reply. The Court has also considered Plaintiff’s supplement to the motion, which includes the parties’ stipulation essentially resolving the issues raised in the motion.

There remain areas about which the parties still disagree regarding the opinions offered by Jean-Marie Bellington. These were highlighted in green on a copy of the expert’s report attached to the supplement.

The highlighted statements include:

- The date January 11, 2024, as the date a meeting occurred.
- A statement that A.R.S. § 33–1250 appears to have been Plaintiff’s preferred method of amendment.

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- A statement that the expert “found the steps taken by the Board to be appropriate”
- A statement that the board’s amendment of the declaration was “an option taken by communities who are unable to obtain insurance or unable to control the staggering increases in their premiums”
- A statement that “[t]he Plaintiff included in their Complaint that the Association had an obligation to vote upon the formulation of a committee”
- A statement that “[t]he Plaintiff included in their Complaint that the Association did not solicit membership to fill a vacancy on the Board of Management”
- A statement that “[m]any of the claims made by the Plaintiff appear to be her opinion on how she believes the Board should manage the community.”

Rule 702 provides that:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

Ariz. R. Evid. 702. The Rule “recognizes that trial courts should serve as gatekeepers in assuring that proposed expert testimony is reliable and thus helpful to the jury's determination of facts at issue.” Ariz. R. Evid. 702 cmt. (2012). But the comment to the Rule also notes that “[t]he trial court's gatekeeping function is not intended to replace the adversary system.” *Id.* Rather, “[c]ross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence.” *Id.*; *cf. Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 596 (1993).

The Court notes as an initial matter, that the issues regarding these highlighted statements were not specifically raised in Plaintiff’s motion and reply—they were mentioned in the stipulation the parties submitted. The Court also notes that it is not clear to the Court exactly what Plaintiff’s objection to each statement is or what Defendants’ response would be. Plaintiff is requesting preclusion of the expert’s specific opinions or her entire report because they indicate a flawed methodology pursuant to Ariz. R. Evid. 702.

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To the extent Plaintiff believes the statements are either inaccuracies, improper assumptions, or mischaracterizations of her complaint, these are issues for cross examination rather than a basis for preclusion at this stage. The Court also notes that to the extent a dispute remains regarding specific opinions or mischaracterizations, and whether it is improper for Defendants' expert to frame Plaintiff's complaint in a particular way, Plaintiff may raise the issue in a motion *in limine* prior to trial. At the time the motions are argued, if the parties remain unable to resolve the issue, the Court can hear from the parties, precisely what Plaintiff's objection to the statements is and any response from the Defendants and determine whether to limit the expert's testimony.

For the reasons stated above,

IT IS ORDERED denying the motion as moot.

IT IS FURTHER ORDERED denying the requests in Plaintiffs' supplement requesting additional limitation or exclusion of the testimony of Jean-Marie Bellington.