

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-094529

07/07/2016

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
L. Popovic
Deputy

FOOTHILLS CLUB WEST COMMUNITY
ASSOCIATION

PENNY L KOEPKE

v.

KWANG CO L L C, et al.

CATHERINE MARIE PEARSON

**RETURN HEARING
EVIDENTIARY HEARING SET**

Courtroom 206 SEF

10:13 a.m. This is the time set for Return Hearing regarding Plaintiff's Order to Show Cause filed on June 27, 2016. Counsel Penny L. Koepke is present on behalf of Plaintiff. Counsel Catherine Marie Pearson and Dominica J. Minore are present on behalf of Defendants, who are not present. Counsel Ellen B. Davis is present as a potential intervenor on behalf of the homeowners, who are present.

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

Discussion is held regarding the status of the case.

IT IS ORDERED setting **Evidentiary Hearing** regarding Preliminary Injunction on **August 30, 2016, at 9:30 a.m. (one day allotted)** before:

The Honorable Robert H. Oberbillig
Maricopa County Superior Court

SUPERIOR COURT OF ARIZONA
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Southeast Judicial District
222 E. Javelina Avenue
Courtroom 206
Mesa, Arizona 85210
(602) 506.2194

IT IS FURTHER ORDERED that all parties shall hand-deliver to the clerk of this division **by 12:00 p.m. on August 23, 2016**, all exhibits to be used at the hearing. All hearing exhibits shall have been exchanged prior to that time. Exhibits shall be accompanied with a numbered list of each exhibit. Exhibits of fewer than 100 total shall be provided in a three-ring binder, with each exhibit separated with a numeric tab. Exhibits of 101 or more either shall be stapled or hole-punched, bound with an Acco clip, and separated with a blank sheet of colored paper with the corresponding exhibit number thereon and provided in a banker's box. **No duplicate exhibits shall be presented for marking.** Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, Defendant's exhibit numbering shall start at the next number following the last of Plaintiff's exhibits. For example, Plaintiff submits 10 exhibits, which are marked as exhibits 1 through 10, and Defendant submits 10 exhibits, which are marked as exhibits 11 through 20. Exhibits must be stapled or bound prior to delivery to the clerk. **A bench copy of all exhibits must be provided, preferably in a three-ring notebook, with each exhibit separated with a numeric tab.** Please contact the clerk with any questions regarding procedures for marking and submitting exhibits.

The parties/attorneys are advised that the failure to appear for the hearing may result in sanctions, including dismissal of the action per Rule 16(F) of the Arizona Rules of Civil Procedure.

All court proceedings are recorded by audio and video method 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.

THIS IS A FIRM SETTING. A MOTION TO CONTINUE BASED ON LACK OF PREPARATION WILL NOT BE GRANTED.

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PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event the party also should e-mail the pleading to this Court's judicial assistant at gomezr002@superiorcourt.maricopa.gov. and to dellergof@superiorcourt.maricopa.gov.

COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATION BY THE COURT.

10:25 a.m. Matter concludes.