

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-009506

07/21/2023

HONORABLE JOHN L. BLANCHARD

CLERK OF THE COURT  
E. Wong/C. Hall  
Deputy

CITY OF CHANDLER

JOHN C LEMASTER

v.

DENNY WEINBERG HAY COMPANY, et al.

DENNY WEINBERG HAY COMPANY  
NO ADDRESS ON RECORD

ESTATE OF ADOLPH WEINBERG, THE  
NO ADDRESS ON RECORD  
DAVINA DANA BRESSLER  
RHONA WEINBERG GEWELBER  
NO ADDRESS ON RECORD  
WILLIAM M POINDEXTER  
NO ADDRESS ON RECORD  
ROBERT ALAN WEINBERG  
NO ADDRESS ON RECORD  
MARCUS R MARTINEZ  
JUDGE BLANCHARD  
CHRIS SCOGGIN  
4532 S GOLD COURT  
CHANDLER ARIZONA 85248

STATUS CONFERENCE AND EVIDENTIARY HEARING SET

Courtroom 201- Old Courthouse

10:04 a.m. This is the time set for a virtual Order to Show Cause Return Hearing regarding *Plaintiff's Complaint and Application for Immediate Possession*, filed on June 23, 2023. Plaintiff, City of Chandler, is represented by counsel, Colin C. Quinn on behalf of counsel, John C.

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Lemaster. Defendant, Arden Park Homeowners Association, is represented by counsel, Marcus Martinez. Chris Scoggin is present on behalf of the Estate of Adolph Weinberg.

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

Discussion is held.

**IT IS ORDERED** setting a **Status Conference** regarding any settlement, discovery disputes, and/or affirm the Preliminary Injunction Hearing set forth below on **September 8, 2023** at 9:15 a.m.

This is a **15 minute proceeding**. The court will determine if more time is needed. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

**Counsel and self-represented parties should appear promptly 5 minutes prior to the scheduled time.**

**The parties shall appear virtually via Court Connect using Microsoft Teams Meeting.** Video appearance (i.e., live use of the camera) is strongly preferred.

**[Join Microsoft Teams Meeting](https://join.microsoft.com/join/MeetingID/jbazmc-cvj06)**

[tinyurl.com/jbazmc-cvj06](https://tinyurl.com/jbazmc-cvj06)

**To call into the meeting using your phone:**

**[+1 917-781-4590](tel:+19177814590)** United States, New York City (Toll)

**Conference ID:** 942 024 389#

**NOTE:** All court proceedings are recorded digitally 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.

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To order transcripts of digitally recorded court proceedings call Electronic Records Services (602-506-7100) for instructions.

**IT IS ORDERED** setting a Preliminary Injunction Hearing regarding *Plaintiff's Complain and Application for Immediate Possession* along with the merits, on **October 13, 2023** at 10:00 a.m. (allotted time: two hours) in this Division:

**THE HONORABLE JOHN BLANCHARD  
MARICOPA COUNTY SUPERIOR COURT  
OLD COURT HOUSE  
125 W. WASHINGTON STREET  
SUITE 201  
PHOENIX, AZ 85003  
PHONE: (602) 506-3005**

This is a **2 hour proceeding**. The Court will determine if more time is needed. If there is a failure to appear, the Court may make such orders as are just, including granting the relief requested by the party who does appear.

**Counsel and self-represented parties should appear promptly 5 minutes prior to the scheduled time.**

**THE COURT RESERVES THE RIGHT TO VACATE OR RESET THE HEARING IF THE PARTIES FAIL TO COMPLY WITH THE DEADLINES SET FORTH IN THIS ORDER.**

**Exhibits** should be delivered to this division by no later than **September 29, 2023**. **The parties should deliver an original set to the clerk for marking (See Section E Infra) and a bench copy of ALL Exhibits including the Exhibits identified in the Parties' Notice of Stipulations and Objections. The bench copy should be provided in a binder with numbered tabs separating each exhibit.**

Based on the setting of the Evidentiary Hearing, the Court sets the following deadlines and makes the following orders. The dates set forth in this order are firm dates and will not be extended or modified by this court absent good cause. Lack of preparation will not ordinarily be considered good cause.

**Requests for court interpreters, court reporters or for witnesses to appear virtually must be made at least twenty-one (21) days prior to the trial/hearing date.**

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Time will be divided between Plaintiff and Defendant.

**JOINT STATEMENT**

A *Joint Statement* must be filed no later than **September 29, 2023**. The parties shall include the following:

- A. A jointly-completed time and witness estimate list. (A sample form is incorporated in this order). The Court will use the list to predict the length of the hearing. Any time limitation set will be reasonable presumptive limits subject to modification upon a showing of good cause.
- B. A list of all deposition or other transcribed testimony that may be offered at the hearing. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.
- C. A list of all exhibits that may be offered at the hearing. Objections, if any, to each exhibit and the reasons therefore shall also be set forth. Any rulings will be stated on the record. All objections to known exhibits and witnesses must be made before the hearing.

**Exhibits:** The following procedure applies as to all exhibits sought to be utilized:

1. If you have any questions regarding the guidelines set forth below or procedures relating to exhibits, contact this division's Courtroom Clerk at **(602) 506-7988**.
2. **Organization:** Exhibits should be submitted to the Courtroom Clerk separated by a colored sheet that includes the exhibit number. Each multiple page exhibit **MUST** be securely stapled (preferred method), binder clipped (only if staple does not hold), or secured with a paper file fastener. Binders are acceptable only if none of the above can securely hold the Exhibit. **DO NOT use paper clips or submit loose sheets of paper** (the only loose item should be the colored sheet, do not staple or paper clip the colored sheet to the exhibit itself). *Exhibits not securely bound using the above-noted methods will not be accepted.*

The list of exhibits should contain the case number and caption, the scheduled hearing date, the party submitting the exhibits, the exhibit number, and a simple description of the exhibit. Keep the descriptions of

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the exhibits *simple*. Do not use a description that cannot be verified by looking at the document or item. *Do not include Bates numbers* in your description of the exhibits.

<b>Exhibit No.</b>	<b>Identified By</b>	<b>Description</b> <i>Should be verifiable when viewing the first page of the exhibit</i>

Exhibits shall be marked numerically and consecutively beginning with Plaintiff's exhibits and continuing sequentially with Defendant's exhibits (e.g. Plaintiff's exhibits 1, 2, 3, Defendant's exhibits 4, 5, 6). *Do not skip numbers*. Numbers will not be skipped or saved in anticipation of additional exhibits not yet submitted. The parties should not reserve exhibit numbers for exhibits to be provided at a later date. Any missing or skipped exhibits shall be designated as "*Unused*." Additional exhibits, if necessary, may be marked during the course of the hearing, although the parties are discouraged from waiting until the hearing to mark additional exhibits.

Counsel shall eliminate duplication of exhibits; duplicate exhibits *will not* be marked. If duplicate exhibits exist and they are removed by the Courtroom Clerk and not marked, the Court's numbering will not be consistent with the numbering counsel provided. Counsel shall, therefore, confer regarding exhibits to ensure that there are no duplicates.

3. **Use of Depositions:** Depositions should not be listed on the exhibit description list because depositions are not marked as exhibits. Original depositions shall be provided to the Courtroom Clerk at the time of the hearing for filing directly into the court record. Counsel shall retain a copy of the depositions for their use during the hearing. The original depositions remain with the Courtroom Clerk to be used as reference by the hearing judge during testimony.
4. **Demonstrative Evidence:** Poster boards and large items may only be used for demonstrative purposes. Counsel shall advise opposing/other counsel of any demonstrative poster boards or other items at least three (3) judicial days prior to the hearing. Counsel may bring poster boards and large items to court to use during the hearing. However, if counsel intends any poster boards or large items marked as an exhibit, they must provide the

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Courtroom Clerk with an 8-1/2 x 11 photograph/copy of the item and include the photograph/copy in the submitted list of exhibits.

5. **Use of Exhibits or Electronic Media During Opening Statement:** If either party intends to show an exhibit or electronic media presentation during opening statements, that party shall inform the other party by 9:00 a.m. on the business day prior to the first day of the hearing. If an electronic medial presentation is planned, it shall be shown to opposing counsel prior to the beginning of the hearing selection.
6. **Failure to Comply:** If a party fails to comply with the terms set forth about, it may result in that party's exhibit(s) being precluded at the hearing.
7. **Disclosure Objections:** If an objection is made at the hearing relating to untimely or non-disclosure, the burden is on the proponent of the evidence to establish that disclosure was properly made. The parties are strongly encouraged to create their own log for each hearing exhibit as to the date and manner of disclosure.
8. **Stipulations and Objections:** The Parties shall jointly file a list of Exhibits identifying the stipulated and objected to exhibits in the following format:
  - a. Stipulated Exhibits;
  - b. Plaintiff's Proposed Exhibits with Defendant's written objections, if any, following each proposed exhibit; and
  - c. Defendant's Proposed Exhibits with Plaintiff's written objections, if any, following each proposed Exhibit.

**NOTICE: EXHIBITS MARKED BUT NOT OFFERED**

All exhibits (electronic or paper) not offered/received into evidence the day of the hearing will be disposed of by the courtroom clerk, unless a party requests that the evidence be returned prior to the conclusion of the hearing.

**USE OF COURTROOM EQUIPMENT**

All parties are expected to be familiar with the workings of the courtroom's electronic equipment. If there is a need to becoming familiar with this division's electronic equipment, please make an appointment to test the equipment by no later than **one week prior to the scheduled proceeding** via email through the Division at: [cvj06@jbazmc.maricopa.gov](mailto:cvj06@jbazmc.maricopa.gov).

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**COMMUNICATION WITH THE DIVISION**

Preferred communication with this division is via email to the Division at: [cvj06@jbazmc.maricopa.gov](mailto:cvj06@jbazmc.maricopa.gov).

For any and all such written communication, all other parties to the case shall be endorsed.

**TIME ESTIMATES**

CAUSE NUMBER \_\_\_\_\_

CASE CAPTION \_\_\_\_\_

PLAINTIFF'S COUNSEL \_\_\_\_\_

DEFENDANT'S COUNSEL \_\_\_\_\_

(NOTE: Add additional lines as needed for additional parties and or witnesses.)

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING STATEMENT	
PLAINTIFF'S REBUTTAL	

Closing arguments will be submitted in the form of findings of facts and conclusions of law on a date to be set at the close of evidence. Briefing are to be submitted simultaneously. Courtesy copies should be emailed to this division's staff in Word format; on paper with no in-marks; no lines; and no formatting.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be e-filed through AZTurboCourt unless an exception defined in the Administrative Order applies.

In accordance with Rule 2.21 of the Local Rules of Practice for Maricopa County Superior Court, a self-represented party shall inform the Court of his or her current address, telephone number, and email address (if any). The self-represented party has a continuing duty to advise the Court of any change in address, telephone number, or e-mail address (if any) and shall notify the Court within ten (10) days of such changes. A change of address form may be downloaded through the Clerk of Court's website.

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**WITNESS INFORMATION FORM**

**WITNESSES FOR PLAINTIFF:**

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

PLAINTIFF'S TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_

**WITNESSES FOR DEFENDANT:**

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

DEFENDANT'S TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_

TIME ESTIMATE FOR:	PLAINTIFF(S)	DEFENDANT(S)
VOIR DIRE		
OPENING STATEMENTS		

PLAINTIFF'S TOTAL TIME ESTIMATE: \_\_\_\_\_

DEFENDANT'S TOTAL TIME ESTIMATE: \_\_\_\_\_

NOTE: if there are multiple parties on the same side who are represented by different attorneys, then each party being represented by different attorneys shall fill out his/her own time estimates.

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10:16 a.m. Matter concludes.