

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-012376

07/23/2024

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

BEARDSLEY HOLDINGS INC, et al.

DANIEL P BEEKS

v.

COLONY BILTMORE-GREENS
HOMEOWNERS ASSOCIATION INC, et al.

JOHN T CROTTY

JUDGE HANNAH

ORDER OF THE COURT

The parties in this case have not complied with Civil Rules 16 and 38.1 as amended effective April 15, 2014. The parties were required to confer regarding the subjects set forth in Rule 16(d) and file a Joint Report and a Proposed Scheduling Order. Ariz. R. Civ. P. 16(b). No Joint Report and Proposed Scheduling Order has been submitted.

IT IS THEREFORE ORDERED setting a Rule 16(d) Scheduling Conference on **August 20, 2024 at 8:30 a.m. (time allotted: 30 minutes)** in this division.

The Court is utilizing a virtual platform called Court Connect for online hearings. An auto-generated e-mail with a link to the online "courtroom" has been sent to local counsel of record, who should forward it to co-counsel, clients or client representatives, and others who will participate in the hearing. You may forward the link to anyone who wants to attend the hearing, but please advise the Court if you expect more than a few spectators so that we can make any technical adjustments that may be necessary. If for some reason you did not receive the e-mail, please advise the Court. The hearing may also be joined using the following

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link: [tinyurl.com/jbazmc-cvj07](https://superiorcourt.maricopa.gov/court-connect/); or appearances may be made by telephone, by calling 1-917-781-4590, conference ID 759-563-74#. For further information, please visit: <https://superiorcourt.maricopa.gov/court-connect/>

The Court prefers video appearances, if possible, as it ensures it is easier to know who is appearing at the hearing and being able to see the other parties reduces interruptions and delays. Additionally, appearing by video increases the chance that the Court can use features such as shared screens to show everyone exhibits or forms that may be helpful for the hearing. However, no party shall be penalized for appearing by phone. Whether parties appear by videoconference, phone, or a hybrid of the two, they should try as much as possible to contact the court from an area with no background noise as noise and echoes prevent the parties from hearing the proceedings in the courtroom and prevent the court from making a good record of the proceedings. The parties are especially discouraged from appearing virtually from an outdoor location.

The physical courtroom (Courtroom 811, East Court Building, 101 W, Jefferson, Phoenix, AZ) is open and accessible for most hearings. Attorneys and parties may choose to appear in person; and spectators are always welcome in the courtroom at public hearings. If an in-person appearance at a scheduled online hearing is anticipated, we ask as a courtesy that you let us know in advance (and at the same time notify the opposing party or parties) so we can ensure that the appearance is accommodated.

IT IS FURTHER ORDERED that the parties shall comply with Rule 16(b), Arizona Rules of Civil Procedure by conferring between themselves and then filing a Joint Report and Proposed Scheduling Order pursuant to Rule 16(b) substantially in the form set forth in Forms 11-13, Ariz. R. Civ. P. 84, Appendix of Forms. **The Joint Report and Proposed Scheduling Order shall be filed prior to the Rule 16(d) Scheduling Conference.** The court will resolve any disagreements concerning the Joint Report and Proposed Scheduling Order at the Rule 16(d) Scheduling Conference. Dates for future proceedings may also be set at that time.

IT IS FURTHER ORDERED that a party that does not comply with this order will be subject to sanctions pursuant to Civil Rule 16(i), which shall include expenses incurred as a result of non-compliance including attorneys' fees, and which may in addition include dismissal of the complaint, striking of the answer(s), or default judgment.

IT IS FURTHER ORDERED that if the parties timely submit the Joint Report and Proposed Scheduling Order and there are no issues that the Court will be asked to address, the parties may request in the Joint Report that the Rule 16(d) Scheduling Conference be vacated.