

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-052094

07/25/2024

HONORABLE MELISSA IYER JULIAN

CLERK OF THE COURT  
A. Delgado  
Deputy

SUSAN M MARCELLA

MARK BAINBRIDGE

v.

LEGEND TRAIL COMMUNITY  
ASSOCIATION, THE, et al.

TESSA KNUEPPEL

EDITH I RUDDER  
JUDGE JULIAN

**ORAL ARGUMENT HELD/AMENDED SCHEDULING ORDER ENTERED**

Courtroom 108 – Northeast Regional Court Center

1:30 p.m. This is the time set for an Oral Argument on Defendant's Request to Amend March 28, 2024 Scheduling Order, filed May 24, 2024. Plaintiff, Susan M. Marcella, is represented by counsel Mark Bainbridge. Defendants, The Legend Trail Community Association, et al. are represented by counsel, Tessa Knueppel, and Eadie Rudder. Jodi Roberts, a Community Manager for Legend Trail, and Pepie Due De Voire, are present. All parties appear virtually.

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

The Court has received Defendant's Request to Amend March 28, 2024 Scheduling Order, filed May 24, 2024, the Response/Opposition, filed June 11, 2024, and the Reply filed June 24, 2024; the Motion is fully briefed.

Oral argument begins.

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Based upon the matters presented,

**IT IS ORDERED** granting in part and denying in part, Defendant's Request to Amend March 28, 2024 Scheduling Order, filed May 24, 2024.

**IT IS FURTHER ORDERED** approving and settling formal written Amended Scheduling Order Tier 2 signed by the Court on July 25, 2024, and filed by the Clerk on July 26, 2024.

**IT IS FURTHER ORDERED** Plaintiff's Motion to Quash Subpoena or in the Alternative Motion for Protective Order, filed July 10, 2024, is moot and deemed denied, in light of the Court's ruling extending the deadlines.

**LET THE RECORD REFLECT** as to the discovery dispute regarding written discovery discussed on the record, the Court encourages the parties to meet and confer in good faith before submitting a Rule 26(d) to the Court. In the event the parties are unable to reach agreements, they may attach copies of Plaintiff's discovery responses to their Rule 26(d) statement.

**IT IS FURTHER ORDERED** that Defendants shall be entitled to conduct a rule 34 inspection of Plaintiff's home on or before **August 16, 2024**.

**IT IS FURTHER ORDERED** that Plaintiff's counsel shall provide dates where Plaintiff or an agent of her choosing will make her home available for inspection to Defendants' counsel and Defendants' experts by no later than **5:00 p.m. July 29, 2024**. The dates provided shall be on or before **August 16, 2024**.

**IT IS FURTHER ORDERED** that Defendant's counsel shall select one of the available dates provided for the Rule 34 inspection and Defendant's counsel shall issue a Rule 34 inspection notice by no later than **August 2, 2024**.

2:14 p.m. Matter concludes.