

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-014963

07/08/2025

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
C. Nasui/Y. Rodriguez
Deputy

KEYSTONE OWNERS ASSOCIATION

ERICA L MORTENSON

v.

BERNADETTE M BENNETT

THOMAS A WALCOTT

ALTERNATIVE DISPUTE
RESOLUTION - CCC
JUDGE GORDON

MINUTE ENTRY

Central Court Building – Courtroom 402

12:00 p.m. This is the time set for Status Conference to determine whether the matter will be returned to ALJ for clarification; whether an Evidentiary Hearing will be set; or whether parties will be able to move forward on a stipulated set of facts and briefing on the law. Plaintiff, Keystone Owners Association is represented by counsel, Erica L. Mortenson. Defendant, Bernadette M. Bennett is represented by counsel, Thomas A. Walcott. All parties are present telephonically/virtually via Court Connect.

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

Discussion is held regarding the status of the case.

Based on the discussion held on the record,

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IT IS ORDERED setting an in-person Evidentiary Hearing on for **October 24, 2025, at 1:30 p.m. (time allotted: 3 hours)** in this Division.

**The Honorable Michael D. Gordon
Maricopa County Superior Court
Central Court Building
Courtroom 402
201 W. Jefferson St
Phoenix, Arizona 85003
Phone: 602-372-0762**

IT IS ORDERED the parties shall submit a Pre-Hearing Memoranda setting forth their positions by no later than **October 17, 2025.**

JOINT PREHEARING STATEMENT. The parties shall file with the Court **no later than 5:00 p.m. on October 17, 2025,** a **Joint Hearing Statement**, signed by all counsel (and any self-represented party) and containing the following. **This order modifies the requirements of Ariz. R. Civ. P. 16(f).**

1. **List of Claims.** The Joint Pre-Hearing Statement must contain a list of all claims or causes of action on which a relief is sought by any party.
2. **No List of Issues.** The parties shall prepare a list of stipulations, agreed contested issues or other issues considered material.
3. **Witnesses.** The Joint Pre-Hearing Statement must include an exhibit entitled Witness List, which must list each witness a party expects to call at Hearing (in person or by deposition) and the day on which they expect to call that witness.
4. **Hearing Exhibits.** Hearing exhibits must be listed in the Joint Pre-Hearing Statement along with objections. The Court typically resolves objections to exhibits at Hearing, but objections must be listed in the Joint Pre-Hearing Statement to be preserved.
5. **Other Matters.** The Joint Pre-Hearing Statement must include the matters in Ariz. R. Civ. P. 16(f)(2)(H) - (M).

EXHIBIT REQUIREMENTS

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IT IS ORDERED that the parties submit any proposed hearing exhibits as follows:

- 1. Submit Hearing Exhibits through Case Center.** This division is using Case Center (also known as Case Lines), a statewide electronic exhibit portal. Attorneys must submit exhibits through Case Center; Self-Represented Litigants can request to opt-out of Case Center by contacting the judge's division at Jill.Duce@JBAZMC.Maricopa.Gov, or (602) 372-0762. Unless otherwise ordered, Exhibits must be submitted at least **5 business days (not including weekends)** before the hearing as provided below.
- 2. Opting Out of Case Center (Self-Represented Litigants only).** A Self-Represented Litigant may opt out of Case Center no less than **10 calendar days** before the trial/evidentiary hearing (or within 24 hours of being served with notice if the party is served less than **10 calendar days** before the evidentiary hearing). The Self-Represented Litigant must email the other Self-Represented Litigants or counsel and the assigned judicial division to notify the court that they are opting out and to request instructions for submitting exhibits. Self-Represented Litigants must comply with the deadline for submitting Exhibits. Each party must make sure the Court has the party's valid current email address. If you do not have an email address, you can obtain a free one through accounts.google.com. Each party must register for Case Center at <https://digitalevidence.azcourts.gov/?tlang=en-US>. The website has links to training resources that will guide you through uploading exhibits and navigating Case Center. The Clerk of Court will send an email invitation to each party (or their attorney of record) with a case-specific Case Center link for uploading exhibits before the first hearing. For subsequent hearings in the same case, parties will not receive another email and should access the case on the Case List page. For instructions, *See* azcourts.gov/Portals/0/222/TrainingVideos/Invitation-CaseList-CaseFilter-3-2-2022.mp4. **For assistance with Case Center invitations only**, email the Clerk of Court at COCEXhibitQuestions@maricopa.gov. The email subject line should include the case number. The body of the email should include the parties' names, the assigned judge's name and explain that the sender is requesting help with a Case Center invitation.
- 3. Exhibit Format.** Case Center accepts most digital formats (including photographs, PDFs, Word files, audio files, and video files). Case Center automatically numbers the exhibits. Plaintiff/Petitioner's exhibits have a P- prefix (Exhibit P1, P2, etc.) and Defendant/Respondent's exhibits have a D- prefix (Exhibit D1, D2, etc.). During the hearing, the parties must refer to exhibits using the Case Center exhibit numbers. For assistance with Case Center, contact AOC Support Services at (602) 452-3519 (option 5) or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM, excluding State holidays.

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4. **Exhibit Upload Assistance.** Scanners are available at each of the regional court Law Library Resource Centers. Each scanner has an attached computer and instructions on how to upload exhibits into Case Center.
5. **Exchange Exhibits.** At least **5 business days (not including weekends)** before the hearing, you must give the other party copies of all exhibits you submitted for use at the hearing.
6. **Physical Exhibits.** The Courtroom Clerk will handle marking physical exhibits for Self-Represented Litigants who opt out of Case Center. Attorneys who submit physical exhibits must create a placeholder in Case Center and include “Physical Exhibit” in the name of the exhibit prior to submitting the physical exhibit(s) to the judge’s division. The collection of physical exhibits must have a Physical Exhibit Case Coversheet that includes the following: (1) the name of the party submitting the exhibit(s); (2) the case number; (3) the date of hearing; and (4) the exhibit number(s) and description(s). In addition, each individual exhibit must have an Exhibit Coversheet printed on color paper indicating the physical exhibit’s exhibit number in Case Center. For Self-Represented Litigants, if any individual exhibit is a document that is longer than ten (10) pages, each page of the exhibit should be numbered. Division staff will provide the exhibits to the Courtroom Clerk for marking. The Courtroom Clerk will mark physical exhibit(s) with the same exhibit number used in Case Center
7. **Devices and WiFi.** If needed, hearing participants may request to use a court-provided devices to view and present exhibits during an evidentiary hearing. All requests for access to a court-provided device must be submitted to the division via email **5 calendar days** before the Hearing. Hearing participants can connect to the court’s free MCPUBLIC WiFi for up to 90 minutes. For evidentiary hearings/trials longer than 90 minutes, WiFi users, the parties may request access to MCSponsored WiFi which will allow access to WiFi without the need to reconnect after 90 minutes by emailing the assigned division **10 calendar days** in advance of any Hearing. Self-Represented Litigant access will be valid for 60 days; lawyer and nonlawyer representative access will be valid for 365 days.
8. **Remote Witnesses.** Any party who calls a witness who is appearing remotely (i.e., by telephone or videoconference) should either (1) provide the witness with a copy of all exhibits or (2) ensure that the remote witness has an electronic device available that allows them to view exhibits displayed on a screen through either Case Center or Teams.
9. **Exhibit Presentation During Hearings.** Unless indicated otherwise in any hearing-specific court minute entry or order, offerors may, but are not required to, use Case

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Center to present (e.g., show to the court, a witness, or the jury) evidence during a Hearing. Options for presentation of evidence include but are not limited to the following: (1) use of paper copies of the exhibits that have been uploaded to Case Center; (2) use of evidence presentation software and/or PDF viewers to display PDFs of exhibits that have been uploaded to Case Center; (3) screen sharing of Case Center through Court Connect (Teams); and (4) use of Case Center “Presentation” mode to share exhibits. Parties are strongly encouraged to download PDFs of their Case Center exhibits and/or have paper copies available in the event there are technological difficulties in the courtroom.

- 10. Additional resources.** For Case Center related training and questions, the parties may wish to visit the Thomson Reuters Case Center Home Page at <https://answers.legalprof.thomsonreuters.com/casecenter-us/search>. For technical issues with Case Center, parties may contact AOC Support Services Monday – Friday from 7:00 AM – 6:00 PM, excluding State holidays, at (602) 452-3519, 1-800-720-7743 (toll free), or pasupport@courts.az.gov. The parties may also wish to review A.O. 2024-080 at <https://superiorcourt.maricopa.gov/departments/superior-court/civil/case-center/> for additional information regarding Case Center.

NOTE: Depositions will not be marked as exhibits. If you plan to read from a deposition or use the deposition for impeachment purposes, you will need to supply an ORIGINAL transcript to the courtroom clerk for filing. Copies will not be filed with the clerk.

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.

Discussion was held regarding the parties’ settlement efforts.

Accordingly,

IT IS ORDERED that the parties participate in a mandatory settlement conference. This case is referred to the Court’s Alternative Dispute Resolution (ADR) Department for the appointment of a judge *pro tempore* to conduct a settlement conference. The judge *pro tempore* is requested to conduct the settlement conference no later than **October 17, 2025**.

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IT IS FURTHER ORDERED that no later than **July 19, 2025**, the parties file with the Court a Joint Request and Certification of Readiness for Setting Settlement Conference Under Rule 16(i), Ariz. R. Civ. P. The Joint Request and Certification of Readiness for Setting Settlement Conference Under Rule 16(i), Ariz. R. Civ. P. is available through the Law Library Resource Center website:

- English: <https://superiorcourt.maricopa.gov/media/o4ilqst5/cvadr40fz.pdf>
- Spanish: <https://superiorcourt.maricopa.gov/media/cbqbemdl/cvadr40fsz.pdf>

IT IS FURTHER ORDERED that failure to file a Joint Request and Certification of Readiness for Setting Settlement Conference will result in the Court vacating the ADR referral for appointment of a judge *pro tempore*, with leave for the parties to seek another ADR referral upon completion of the certification process.

12:20 p.m. Matter concludes.