

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-007662

08/25/2020

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
K. Ballard
Deputy

RIGGS RANCH MEADOWS HOMEOWNERS
ASSOCIATION

MICHELLE B WELLNITZ

v.

JAMES WHITE, et al.

JAMES WHITE
2972 E BEECHNUT PL
CHANDLER AZ 85249

JANINE I WHITE
2972 E BEECHNUT PL
CHANDLER AZ 85249
JUDGE MAHONEY

STATUS CONFERENCE SET

Courtroom: ECB-411

9:03 a.m. This is the time set for an Order to Show Cause Return Hearing on Plaintiff's Request for Preliminary and Permanent Injunctions, filed 7/2/2020. Plaintiff Riggs Ranch Meadows Homeowners Association is represented by Counsel Michelle B. Wellnitz. Defendants James White and Janine I. White are present, representing themselves. All appearances are telephonic.

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

Mr. and Mrs. White confirm that they are representing themselves in this matter.

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The Court advises the Whites that Arizona law requires that self-represented parties are held to the same standards as a licensed attorney.

Mr. White provides the Court with Defendants' current contact information, which is as follows.

James White
2972 E. Beechnut Pl.
Chandler, AZ 85249
Cell phone: 480-229-8274
Email: jim.white.az@gmail.com

Janine I. White
2972 E. Beechnut Pl.
Chandler, AZ 85249
Cell phone: 480-662-1216
Email: Janine.white@gmail.com

The Whites are advised of the requirement to keep current ALL contact information on file at all times. If changes need to be made, a form may be downloaded at:
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>

The Court notes that the Order to Show Cause issued on 7/15/2020 contains a typographical error on page 2, line 8, in that it references Defendants as "Brian Mitchell and Amy Mitchell." All other references to Defendants in the Order to Show Cause correctly reference the Defendants as James White and Janine L. White.

IT IS ORDERED amending the Order to Show Cause issued on 7/15/2020, page 2, line 8, to reflect Defendants as "James White and Janine L. White" in place and stead of "Brian Mitchell and Amy Mitchell." The balance of the Order to Show Cause remains unchanged.

Mr. White indicates that he emailed Plaintiff's counsel upon receipt of the service documents to advise that Defendants have no objection to the service on the basis of the incorrect reference to the Mitchells in the Order to Show Cause, and Defendants further acknowledge that they both received proper notice of today's hearing.

The Court inquires if the parties have had an opportunity to confer with each other as to this matter, and, if so, whether any agreements have been reached. Discussion is held as to same.

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Defendants having advised Plaintiff that they are now in compliance as to the allegedly “inoperable” vehicle and the yard maintenance, Plaintiff’s counsel requests that the Court schedule a Status Conference in approximately 30 days to reassess the status of violations raised in the Complaint, and to determine if any resolution has been reached by the parties.

Mr. White addresses the Court as to difficulties he is encountering in negotiating in good faith to resolve the case as he disagrees with the statement that his vehicle was ever inoperable and has requested documentation from Plaintiff as to same, as well as documentation as to the fines and fees because Plaintiff has provided Defendants with an email advising Defendants have a zero balance with Plaintiff. Mr. White also indicates he is attempting to inquire as to the process to avoid issues in the future.

The Court encourages the parties to confer in an attempt to resolve the current issues as well as any future issues.

Discussion is held as to the claimed violation relating to the vehicle and the trailer.

Plaintiff’s counsel indicates that if she is able to verify some of the statements made by Mr. White as to the trailer variance and the “inoperable” vehicle, she would recommend to the HOA that the fines be waived. Additionally, counsel indicates she has already requested documentation from the HOA as to the fine breakdown and will promptly provide same to Defendants, likely within the week.

Discussion is held as to a timeframe for the parties to attempt to resolve the case.

The Court inquires as to the possibility of extending the Answer deadline given the discussions held today.

Mr. White advises the Court that Defendants filed their Answer yesterday.

The parties are advised that any time any party files something that is time sensitive, they should also contemporaneously email same to the opposing side and the Court due to the delay (approximately 48 hours) in receiving filings based on Clerk of Court processes.

Email addresses for Court staff are as follows:

JA, Jennifer “JJ” Sommerville, Jennifer.Sommerville@jbazmc.maricopa.gov

Courtroom Assistant/Bailiff, Ana Meza, Ana.Meza@jbazmc.maricopa.gov

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IT IS FURTHER ORDERED setting a telephonic Status Conference on **10/28/2020 at 9:00 a.m. (time allotted: 15 minutes)** to discuss the parties' efforts to address and resolve the issues discussed today as to the alleged violations, in this Division.

**Honorable Margaret R. Mahoney
East Court Building
101 West Jefferson, Courtroom 411
Phoenix, Arizona 85003-2202
Telephone: (602) 506-0387**

PLEASE NOTE: The Court will be utilizing a bridge line for the telephonic proceeding set forth above. At the time of the proceeding, all parties shall dial into the bridge line at **602-506-9695** (or toll free at 1-855-506-9695). When prompted, enter the following collaboration code: **495404** (followed by the # sign). If you are disconnected for any reason, please repeat the instructions above to rejoin the telephonic proceeding.

IT IS FURTHER ORDERED if the parties reach a resolution before the **10/28/2020 Status Conference, the parties shall file a Notice of Settlement or other appropriate Notice or Stipulation to Dismiss, and the Status Conference will be vacated.**

IT IS FURTHER ORDERED that any party who intends to ask the Court to vacate or reset any scheduled hearing shall notify this Division of said request as soon as possible, and absent extraordinary circumstances, in any event no later than two (2) full Court days before the scheduled proceeding. Reasons for such a request may include, but are not limited to, the movant intends to withdraw the motion which is set for hearing, the parties have resolved the issue, the motion has become moot, or scheduling conflicts have arisen.

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.

9:36 a.m. Matter concludes.

PLEASE NOTE: This Division requires that all motions, responses, replies and other Court filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. **No filing**

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will be accepted if filed in combination with another. Additionally, all filings shall be fully self-contained and shall not “incorporate by reference” other, separate filings for review and consideration as part of the pending filing.

ALERT: Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a Court facility to wear a mask or face covering at **all times** while they are in the Court facility. With limited exceptions, the Court will not provide masks or face coverings. Therefore, any individual attempting to enter the Court facility must have an appropriate mask or face covering to be allowed entry to the Court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the Court facility or asked to leave. In addition, all individuals entering a Court facility will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the Court facility.

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney. **The law requires the Court to hold all persons representing themselves to the same standard as a licensed attorney.** *Kelly v. NationsBanc Mortgage Corp.*, 199 Ariz. 284, 287 (App. 2001); *Homecraft Corp. v. Fimbres*, 119 Ariz. 299, 301 (App. 1978). Self-represented litigants are encouraged to review and become familiar with the Arizona Rules of Civil Procedure, paying particular attention to Rule 26. Please note that **only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.** *Ramada Inns v. Lane & Bird Advertising*, 102 Ariz. 127, 426 P.2d 395 (1967).

Before the Judge can consider anything you send her, you must show her that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the Clerk’s job to keep an independent record of everything that happens at the Court. The Court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This allows all parties a fair chance to tell the Judge what they think before the Judge makes a decision.

Because of that, if you want the Judge to consider something you send her, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this Division (that is, to the Judge, using her specific courtroom address), and mail or deliver a copy to all opposing parties. In addition, on each document, you must include a signed certificate that says whether you mailed or hand-delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand-delivered each copy. If a party is

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represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed Orders submitted to this Division in hard copy form must include copies of the Order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the Clerk or other parties to the Judge.

Information on filing documents with the Clerk of the Court can be found at:
<https://www.clerkofcourt.maricopa.gov/services/filings/filing-counters>

Information on eFiling documents with the Clerk of Court can be found at:
<https://www.clerkofcourt.maricopa.gov/records/filings>

Additionally, information regarding eFiling in civil cases can be found at:
<https://www.azcourts.gov/efilinginformation>

If you are not represented by a lawyer, you must keep the Court updated regarding your current address and telephone number. If your address or phone number changes at any time, you must file a notice of change of address/phone number with the Clerk of Court. That form can be downloaded at no charge from the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>

Alternatively, you may purchase printed forms at any of the following Superior Court Law Library Resource Center locations (Monday-Friday, 8:00 a.m. to 5:00 p.m.):

Downtown Phoenix Facility

East Court Building
101 W. Jefferson St.
Phoenix, AZ 85003-2243

Southeast Facility

222 E. Javelina Ave.
Mesa, AZ 85210-6201

Northeast Court Facility

18380 N. 40th Street
Phoenix, AZ 85032

Northwest Regional Center

14264 W. Tierra Buena Lane
Surprise, AZ 85374