

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2020-094246

08/24/2020

HONORABLE JANICE CRAWFORD

CLERK OF THE COURT
V. Felix
Deputy

SHADOW MOUNTAIN VILLAS
CONDOMINIUM ASSOCIATION OF PHOENIX

DANIEL S FRANCOM

v.

MAILE ESCALANTE

MAILE ESCALANTE
4255 S. FIRESIDE TRL
GILBERT AZ 85297

JUDGE CRAWFORD

MINUTE ENTRY

Courtroom 205 – SEA

10:31 a.m. This is the time set for Order to Show Cause – Return Hearing regarding Plaintiff's Application for Preliminary and Permanent Injunction filed on July 23, 2020. Plaintiff is represented by above-named counsel, Daniel Francom, who is appearing virtually through GoToMeeting. Defendant, Maile Escalante, is appearing virtually on her own behalf through GoToMeeting.

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

Discussion is held.

IT IS ORDERED setting an Evidentiary Hearing on **October 11, 2020, at 3:00 p.m. (allotted time: 2 hours)** before Judge Janice Crawford. The Evidentiary Hearing shall be held via video conference using the GoToMeeting application. All parties and their counsel will be emailed a copy of the GoToMeeting link invitation in advance of the hearing.

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**PLEASE READ THE FOLLOWING INSTRUCTIONS IN ADVANCE OF YOUR
SCHEDULED HEARING**

- (1) **GoToMeeting Invitation:** This division will send you an invitation to join its video conference via email. If you do not receive the invitation via email within 3 business days before your hearing, email this division at Valerie.Valenzuela@JBAZMC.Maricopa.Gov and request an invitation to the hearing.
- (2) **Downloading & Testing Software:** Upon your receipt of the invitation, click on the link provided to download the GoToMeeting application software. The software can be downloaded via a computer, smart phone, or other smart device. You should ensure that you download the application software on the device you intend to use at the actual hearing. Ensure that device has a microphone and webcam (most laptops, smart phones, and I pads already do).
- (3) **Submission of Exhibits:** Exhibits must be submitted **five (5) business days** before the above-set hearing. You must submit your exhibits as follows:

This Division requires hard copies of all exhibits. Exhibits must be hand-delivered to the COC file counter located at the Southeast Facility. Follow directions upon arrival. Exhibits that are submitted electronically through either E-File or the Clerk of Court website will not be accepted.

- An Exhibits Coversheet must be completed and submitted as the top coversheet of your exhibits. The Exhibit Coversheet must include your case number, the case caption, the date of your hearing, the Judicial Officer assigned to your case, and the name of the party submitting the exhibits.
- Exhibits must be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit must be clipped or bound if too large to be stapled. Exhibits also may be provided in a three-ring binder, with each exhibit separated by a tabbed, numbered divider. If exhibits are not clearly separated, they will be combined as one (1) document.
- Provide a separate copy of exhibits in a three-ring binder, with each exhibit separated by a tabbed, numbered divider, to be used by the trial judge.

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- **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**
- **PLEASE NOTE: The Clerk of Court policies and procedures do not allow the clerk to hold exhibit numbers for exhibits to be submitted later. Exhibits are marked in the order in which they are received.**
- Before you submit hard copies of your exhibits, scan them into PDF files so that you can refer witnesses to them via the GoToMeeting application and ensure you have the PDF copies saved on the device you intend to utilize at the hearing. Provide copies of the exhibits to the other side and to the division **no later than five (5) business days prior to your hearing.**

(4) Admonitions:

- a. You are responsible for ensuring that you have downloaded the GoToMeeting software in advance of the hearing. In the event that you have any technical issues with the software or access to a device, you must contact this division in advance so that we can assist you in resolving any such issues.
- b. You are responsible for ensuring that you provide your clients (if represented) and any third-party witnesses with a copy of the link so that they can testify during the hearing without delay.
- c. You must ensure that you have access to a quiet, secure room during the hearing that is free from audio and visual distractions.
- d. Testifying witnesses shall not be coached by third-parties and shall not read from documents not marked and admitted in evidence. If Ariz. R. Evid. 615 is invoked, non-party witnesses shall be instructed not to listen into the proceedings via the public bridge line below and shall only be permitted to participate in the GoToMeeting conference during their testimony.

10:40 a.m. Matter concludes.

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Expectations of a self-represented party. The law requires this Court to hold all persons representing themselves to the same standard as a licensed attorney. This means that the parties should familiarize themselves with the Arizona Rules of Civil Procedure. You can find them at:

<https://www.azcourts.gov/rules/Recent-Amendments/Rules-of-Civil-Procedure>

or

<https://govt.westlaw.com/azrules/>

If you are not represented by an attorney you must provide the Court with a current address, telephone number, and email address. If your address, phone number, or email address changes in the future, you must file a notice of change of address/phone number/email address. That form can be downloaded at no charge from the following website:

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

Please note that only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.

Filing documents. After the complaint or petition is served, the parties have to file subsequent documents with the Clerk of the Court. It is the Clerk's job to keep an independent record of everything that happens at the court. Please pay particular attention to Rule 5, which tells you how to get your filed documents to the other party, to the Clerk of the Court and to the Court.

If you want to file papers with the Clerk of the Court by mail, please send them to:

Clerk of the Superior Court's Office
Civil File Counter
222 East Javelina
Mesa, AZ 85210

The clerk's guidelines for filing by mail can be found at:

<http://www.clerkofcourt.maricopa.gov/filing-by-mail.asp>

Requests to the Court. Before the judge can consider anything you must:

1. File it with the Clerk of the Court. The court cannot act on a document that has not been made a part of that record; and

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2. Provide a copy of anything filed to every other party involved in the case. This is so all parties have a fair chance to respond to the request and provide their positions.

Please provide the Division with a copy of anything you have filed that you want heard by the judge.

Cases subject to Compulsory Arbitration. The Rules for Compulsory Arbitration are contained in Rules 73-77, Ariz. R. Civ. P. As set forth in Rule 74, the assigned arbitrator shall rule on certain motions. Accordingly, you are required to provide a copy of any applicable motion to the assigned arbitrator as set forth in Rule 74(D)(2), Ariz. R. Civ. P.

Proof that a document was delivered. Rule 5.c.3 requires the sending party to provide a certificate of delivery of a case-related document. At the end of each document or in a separate certificate, include the information substantially as follows:

A copy has been or will be mailed/mailed/hand-delivered [select one] on [insert date]
to:

[Name of opposing party or attorney]

[Address of opposing party or attorney]

If a party is represented by an attorney, you must send or deliver the copy to the attorney, not to the party.

Scheduling and managing the case; setting it for trial. Rule 16 governs the scheduling and management of a case. For example, Rule 16.b explains that the parties are expected to meet fairly shortly after the complaint is filed and provides the minimum topics for them to discuss.

After that, the parties file a joint report about the case and a joint proposed scheduling order, Rule 16.c. You can find instructions and forms at <https://superiorcourt.maricopa.gov/media/4124/cvt54z.pdf>

Exchanging information. In an Arizona civil case, the law requires the parties to exchange relevant information such as documents, emails, text messages and social media posting. Rules 26 and 26.1. This exchange is called “disclosure.” The law also requires you to disclose to the other party the name and contact information for each witness you expect to call, and a description of what the witness’s testimony will be at trial. Some pointers:

- Disclose anything that may be relevant. Don’t wait for the other person to ask.

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- Send a cover letter identifying every document you're sending. Don't write something generic like, "Emails." Specify the dates/times/parties to the emails so we know which ones you disclosed.
- Keep a copy of all of your disclosures so we have an exact record of what you sent one another.
- You have to disclose it even if you think the other side already possesses the information.
- If you don't disclose it, you probably will not be able to use it at trial. If you don't disclose it and it is harmful to your case, the Court may sanction you.

While you are expected to know the rules, there are resources to help you. In addition to the links to the actual rules above on page 1, you may also find help at the link for the Law Library

Resource Center:

https://superiorcourt.maricopa.gov/llrc/cv_group_1/
<https://superiorcourt.maricopa.gov/civil/civil-faq/>