

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-050453

08/03/2021

HONORABLE ALISON BACHUS

CLERK OF THE COURT
C. Lett
Deputy

VILLAGE AT GRAYHAWK OWNERS
ASSOCIATION

JOSHUA M BOLEN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES
1610 W ALOE VERA DR
PHOENIX AZ 85085
ALTERNATIVE DISPUTE
RESOLUTION - CCC
JUDGE BACHUS

MINUTE ENTRY

The Court is in receipt of Ms. Jones' Motion for Reconsideration, filed July 16, 2021, and Request for ADA Accommodations due to New, Increasing Disabilities and Medical Comorbidities, filed July 7, 2021. The Court has reviewed the filings, applicable case law and rules, and enters the following orders:

First, the motion for reconsideration is denied, as no good cause appears.

Second, as to the July 7, 2021 ADA accommodations request contains the following three requests:

1. "At least twice the designated length of time to research, write, type and file motions, responses, replies, etc.": In his October 28, 2020 minute entry, Judge Campagnolo granted Ms. Jones' request for this accommodation. Specifically, he ordered that Ms.

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Jones “shall be allowed twice the amount of time than provided by the Rules of Civil Procedure to file a response or reply to any pleadings in this matter.” 10/28/20 Minute Entry at 2. Deadlines were then set for motions. *Id.* The Court finds this remains a reasonable accommodation under the ADA. The order of Judge Campagnolo granting Ms. Jones twice the amount of time allowed under the Rules is affirmed.

2. “To file all documents in 14-point font – thus automatically approving her necessity to file more than the designated page limits”: The Court observes the request for accommodations was typed in 14-point font. Ms. Jones will be allowed to type her filings in 14-point font, but this accommodation is not a blanket approval for an unlimited page limit. For motions and responses, the page limit for Ms. Jones shall be expanded from 17 to 22 pages. For replies, Ms. Jones’ page limit shall be expanded from 11 pages to 14 pages. The expansions are allowed to accommodate the 14-point font. To set those limitations, the Court has tested documents in Word with both font sizes (allowed under the Rules and expanded to 14-point font) to determine the increased page needs for the same text with increased font size.
3. “All court proceedings requiring [Ms. Jones’] presence (whether in person or by telephone) be limited to three consecutive hours per day”: In support of this request, Ms. Jones points to the deposition orders contained in the Court’s April 17, 2020 minute entry about ADA accommodations. In that minute entry, the Court limited depositions to be a total of two hours per deposition, one deposition per day, with breaks to be allowed. 4/17/20 Minute Entry at 2-3. As the Court noted in the April 2020 minute entry, the ADA provides that a public entity must make “reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” *Id.* at 2. However, a jury trial is not the same as a deposition. Deposition guidelines would not apply to a trial day, and that was apparent in Judge Campagnolo’s order setting trial. He set trial, with the shortened day, with breaks, for the lengthy period of time that it is set (11 days) after already having set limits on depositions. The Court has carefully reviewed the orders of Judge Campagnolo. When trial was set, Judge Campagnolo built in certain, reasonable accommodations, including the shortened trial day. *See* 10/28/20 Minute Entry at 3 (“Trial hours will be from 9:30 a.m. to 12:00 p.m. and 1:30 p.m. to 3:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday”). The further requested modification to only have three hours of total time in court per day is not reasonable to how the Court must function with respect to administering a jury. The Court has not received sufficient cause to deviate so far from how the Court tries cases to a jury. Of course, as Judge Campagnolo ordered in April 2020, the Court “will allow [Ms. Jones] to take reasonable

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and necessary breaks during [] hearings as needed to accommodate” her disabilities. 4/17/20 Minute Entry at 2. That order includes trial. To determine reasonableness, documentation from Ms. Jones’ medical provider(s) would greatly assist the Court. Requesting documentation of same is permissible under the ADA.

Judge Campagnolo’s prior orders, including those regarding ADA accommodations, are affirmed, except where superseded or vacated by this Court. Previously-ordered deadlines for motions and trial remain in place. The trial date is a firm date. Trial will go forward on the dates ordered by Judge Campagnolo, during the hours specified by Judge Campagnolo (with needed breaks), unless the parties reach settlement. If the matter is settled, the parties shall promptly notify the Court and trial will be vacated.

In addition, this Division has been contacted by the Superior Court’s Alternative Dispute Resolution (ADR) office, which has informed the Court that Ret. Judge Fields has requested another mediator be appointed. The Court will grant the request and order the appointment of a replacement mediator. Consequently, on its own motion, the Court will extend the time for ADR to be completed by 60 days. ADR shall be completed no later than **October 31, 2021**. Both parties shall fully cooperate with the ADR process. The Court notes this is the third mediator appointment that is being made in this matter; no further appointments will follow.

It is so ordered.