

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-017609

09/05/2013

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT  
T. Springston  
Deputy

PENELOPE JOHNSON

CHRISTOPHER A LAVOY

v.

POINTE SOUTH MOUNTAIN RESIDENTIAL  
ASSOCIATION, THE

BRIAN W MORGAN

PAUL R NEIL

**ORAL ARGUMENT SET**

Central Court Building – Courtroom 704

3:00 p.m. This is the time set for a Telephonic Status Conference regarding Defendant's Request for Clarification of Court's Ruling, filed August 27, 2013. Plaintiff is represented by counsel, Christopher A. LaVoy. Defendant is represented by counsel, Brian W. Morgan and Paul R. Neil.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Defendant's Request for Clarification of Court's Ruling is discussed.

The Court clarifies the intention of the ruling was to stop and move forward prospectively.

Discussion is held regarding the start date for the changes in the assessments.

The Court advises counsel that making the change in the assessments beginning January 1, 2014 makes sense. Counsel shall work out the amounts.

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Counsel disagree as to the start date.

The Court directs counsel to mediate the case as to the beginning date and amounts of the assessments. The Court recommends Bob Budoff as mediator if counsel cannot agree on a selection.

**IT IS ORDERED** setting Oral Argument and a Status Conference for **November 22, 2013 at 1:30 p.m. (time allotted: 45 minutes)** in this division on the following Motion(s):

- Motion for Extension of Time to File Application for Award of Attorneys' Fees, filed September 3, 2013;
- Any pending motions.

**The Honorable Douglas L. Rayes  
Maricopa County Superior Court  
Central Court Building  
201 West Jefferson  
Courtroom 704  
Phoenix, AZ 85003  
Phone: (602) 506-0816**

**IT IS FURTHER ORDERED:**

If extended oral argument is necessary, counsel must so advise the Court no later than four court days prior to the date set for hearing so that oral argument can be rescheduled.

Any motion or stipulation for continuance must be filed with the Court no later than four court days prior to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

All memoranda and affidavits regarding the motion must be filed and copies lodged with this division no later than four court days prior to the date set for hearing.

Counsel are advised that if the answering memorandum is not timely filed in accordance with the Arizona Rules of Civil Procedure, oral argument may be vacated and the motion will be ruled upon in accordance with Rule 7.1 (b), A.R.C.P.

3:21 p.m. Matter concludes.

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Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

**BEFORE FILING ANY DISCOVERY MOTION**, parties are instructed to contact this division for an informal teleconference. Division contact information: Judicial Assistant, Mary Farmer, phone: (602)506-0816.

**For copies of hearings or trial proceedings recorded, please call Electronic Records Services at (602)506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call (602)506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

Pursuant to Part 1, Chapter 6, Section 1-602 D (4)(a), of the Arizona Code of Judicial Administration, **if a court reporter is present**, the court reporter's record is the official record and requests for transcripts shall be made by contacting the court reporter at (602)506-6100 or email request to [lineburgc@superiorcourt.maricopa.gov](mailto:lineburgc@superiorcourt.maricopa.gov).

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.