

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2021-009865

08/27/2021

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT  
P. McKinley  
Deputy

SANALINA HOMEOWNERS ASSOCIATION

KAYLEE IVY

v.

TRUMAN DAWN, et al.

TRUMAN DAWN  
15139 W VENTURA ST  
SURPRISE AZ 85379

JENNIFER DAWN  
15139 W VENTURA ST  
SURPRISE AZ 85379  
COMM. RICHARD ALBRECHT  
JUDGE MAHONEY

STATUS CONFERENCE

East Court Building – Courtroom 411

10:34 a.m. This is the time set for virtual Status Conference regarding Plaintiff's Request For Preliminary And Permanent Injunctions, filed 6/18/21. Plaintiff Sanalina Homeowners Association ("HOA") is represented by Counsel Kaylee Ivy. Defendants Truman Dawn and Jennifer Dawn are present on their own behalf. All appearances are virtual and/or telephonic via Court Connect/Microsoft Teams.

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

Truman Dawn and Jennifer Dawn confirm that they are self-represented today and the contact information contained in the Court's Minute Entry of 8/11/21 remains current and correct.

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Mr. Dawn provides a secondary, *although not preferred*, email address for himself and Jennifer Truman: ih8pvmt@cox.net. The email address of [trumand@hotmail.com](mailto:trumand@hotmail.com) is Defendants' preferred email.

Defendants have filed what appears to be an Answer, in letter format, with attached exhibits. Defendants state this document is intended to be their formal Answer, which may moot the default proceedings pending before Commissioner Richard Albrecht. The Court defers to the Commissioner to determine same.

The Court has reviewed the following:

1. Defendants' Answer in letter format, filed 8/18/21; and
2. Email sent 8/25/21 at 9:59 a.m. by Plaintiff's counsel to Court staff.

It is the Court's understanding that the parties have made significant process toward settlement. The parties agree that the issue of oil stains in the driveway has been resolved. Plaintiff advises Defendants that the color of the rock in Defendants' front yard remains an issue with the HOA. Additionally, the boat in view of neighboring properties also remains a violation. The parties discuss steps being taken to resolve the rock issue. The HOA's Covenants, Conditions and Restrictions are discussed.

The parties will continue their discussion following this hearing. The Court encourages the parties to continue to talk with one another to try to resolve the remaining unresolved issues in order to maintain good working relations going forward.

The Court poses questions to Ms. Ivy as to the HOA's current position. Ms. Ivy indicates that although Plaintiff wants to continue to work with Defendants, Plaintiff moves the Court to set a preliminary injunction hearing combined with trial on the merits sometime in January 2022. If the parties settle their disputes, Plaintiff will move to vacate the trial.

The Court discusses the difficulty of predicting a realistic date to set an evidentiary hearing/trial on the merits given the open question of whether any dispositive motions will be filed and need to be resolved before said trial. The Court finds January is too early. The Court explains briefing schedules on dispositive motions and provides an overview of the Court's current calendar.

For the reasons stated on the record,

**IT IS ORDERED** that the parties meet and confer on a Joint Report and proposed Scheduling Order, setting out specific proposed deadlines, and file same **no later than 5:00 p.m. on 9/3/21**, concurrently emailing copies to Court staff.

11:03 a.m. Matter concludes.

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Email addresses for Court staff:

JA, Jennifer "JJ" Sommerville, [Jennifer.Sommerville@jbazmc.maricopa.gov](mailto:Jennifer.Sommerville@jbazmc.maricopa.gov)

and

Courtroom Assistant/Bailiff, Allison Gonzalez, [Allison.Gonzalez@jbazmc.maricopa.gov](mailto:Allison.Gonzalez@jbazmc.maricopa.gov)

\* \* \* \*

**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 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.**

**FOR ALL IN-PERSON APPEARANCES:** Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2021-109 and the Maricopa County Superior Court Administrative Order 2021-119 require all individuals entering a court facility in Maricopa County to wear a mask or face covering at all times that they are inside the facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied access to the facility. If a participant is denied physical access to a courthouse for refusing to wear a face covering, the participant must contact the assigned judicial division to determine whether the person can participate in the proceeding using an audio or video connection.

**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:

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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, email, mail or deliver a copy directly to this Division (that is, to the Judge, using her specific courtroom address), and email, 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 emailed, mailed or hand-delivered each copy. If a party is 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 mailing address, email address and telephone number. If your mailing address, email 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 (general form – GN91f – Update Information on Address and/or Name with the Court) 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.):

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**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