

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-013506

09/02/2021

HONORABLE SALLY SCHNEIDER DUNCAN

CLERK OF THE COURT
G. Grantham/C. Mai
Deputy

STEVE C DRAKE, et al.

THOMAS EDWARD RACCUIA

v.

OVERLAND HILLS HOMEOWNERS
ASSOCIATION

ANDREW APODACA

JUDGE DUNCAN

MINUTE ENTRY

Old Court House #201

9:17 a.m. This is the time set for an Order to Show Cause Return Hearing. Plaintiffs are represented by counsel, Thomas Edward Raccuai. Defendant is represented by counsel, Andrew Apodaca. All counsel are present virtually through Court Connect.

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

Discussion is held regarding the September 17, 2021 board meeting and secondary election.

Based on the offer made by Defendant,

IT IS ORDERED Overland Hills Homeowners Association shall suspend all board meetings until order of the Court. Parties shall make applications the Court in a timely manner should any emergency actions arise before trial commences.

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IT IS FURTHER ORDERED discovery shall be completed by **September 30, 2021**, by mutual agreement of all parties.

IT IS FURTHER ORDERED setting this matter for a four and one-half (4 ½) hour **Trial to the Court** commencing on **November 8, 2021 at 11:00 a.m.** in this division before:

**THE HONORABLE SALLY S. DUNCAN
MARICOPA COUNTY SUPERIOR COURT
OLD COURTHOUSE
125 W. WASHINGTON STREET
SUITE 201
PHOENIX, AZ 85003
PHONE: 602-506-9042**

Trial time will be divided between Plaintiff and Defendant.

Parties will appear in-person.

IT IS FURTHER ORDERED:

1. A *Joint Pretrial Statement (JPTS)* must be filed no later than **12:00 p.m., October 8, 2021**.
2. **Exhibits**: Exhibits and stipulations shall be delivered to this Division by **12:00 p.m., October 8, 2021**. Exhibit Guidelines are attached herein. Exhibits will be marked consecutively starting with number one (1).

NOTICE: EXHIBITS MARKED BUT NOT OFFERED

All exhibits (electronic or paper) not offered/received into evidence the day of the hearing will be disposed of by the courtroom clerk, unless a party requests that the evidence be returned prior to the conclusion of the hearing.

LET THE RECORD REFLECT the parties have stipulated to the Witness Rule of Exclusion.

9:29 a.m. Matter concludes.

Based on the trial setting, the court sets the following deadlines and makes the following

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DUTIES PRIOR TO TRIAL

In advance of the Trial, the parties shall attend to the following:

- A. Discovery Disputes:** If a discovery dispute needs judicial intervention, the parties must first comply with the “meet and confer” provision of Rule 37. Absent resolution, counsel for the movant shall email the court’s Judicial Assistant and Courtroom assistant, and all other counsel to advise them of his/her request for a telephonic hearing. Each party shall thereafter email the court’s Judicial Assistant and Courtroom Assistant a summary of the dispute in Times New Roman 13 point font, limited to no more than two pages. The submitted written summary shall include the case number, names of parties and name of party from whom the summary is submitted. All parties shall be copied on the email. The emails will be filed with the Clerk. Once the court receives a summary from each party and a certification of compliance with Rule 37, the Judicial Assistant and/or Courtroom Assistant will email the parties to schedule a telephonic conference with the Judge. These are generally held within one to three business days.
- B. Interpreters:** Requests for interpreters, court reporters or video conference must be made at least twenty-one (21) days prior to the trial/hearing date.

COMMUNICATION WITH DIVISION

Preferred communication with this Division is via email.

The court will not consider any email communication unless all parties and/or counsel, and both members of the court’s staff are copied. All email communication between the court and the parties and/or counsel are filed into the record. This division’s Judicial Assistant, Crystal Castro, and Courtroom Assistant, Alicia Arreola can be reached at:

Chrystal.Castro@JBAZMC.Maricopa.Gov
Alicia.Arreola@JBAZMC.Maricopa.Gov

Counsel and self-represented parties must make sure their email address is correct in iCIS. If incorrect, please provide the correct email address to division staff using the chat feature through Court Connect/Microsoft Teams.

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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.

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.

ATTACHED: Exhibit Guidelines

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EXHIBITS GUIDELINES

1. Exhibits will be marked consecutively. *The Clerk cannot reserve numbers for exhibits that will be provided at a later date.* Any missing Exhibits will not be considered and the numbers of all following Exhibits will be moved up. If Defendant's Exhibits are received prior to Plaintiff's Exhibits, the Clerk may mark them first.
2. Original Depositions will not be marked as an Exhibit. **Original** depositions to be used for impeachment purposes shall be provided to the Clerk on the first day of trial to be hand-filed.
3. Do not submit duplicate Exhibits, **it is essential that counsel confer to avoid submitting duplicate Exhibits.**
4. If large charts or blow-ups are anticipated to be used, please include a small version (or photo) which can be marked as the Exhibit. The charts and blow-ups are used for demonstrative purpose only, are not marked, and are returned to counsel.
5. Each multiple page exhibit **MUST** be securely stapled, binder clipped (only if staple does not hold), or secured with a paper file fastener. Binders are acceptable only if none of the above can securely hold the Exhibit. **DO NOT use paper clips or submit loose sheets of paper.**
6. Do not put numbers on the Exhibits themselves; instead, **use a Number Tab Divider.** Place the divider in front of each Exhibit, however, **DO NOT staple or paper-clip it to the Exhibit itself** (this should be the only loose item).
7. Counsel are to provide a workable list of Exhibits. The list should include a title or description of each Exhibit. (See blank sample of the following table as a reference).

Exhibit No.	Identified By	Description <i>Should be verifiable when viewing the first page of the exhibit</i>

8. A Binder with the Exhibits should be delivered to this division for the court's use.
9. **The parties are strongly discouraged from marking Exhibits they do not anticipate offering during trial.**

For additional assistance in preparation of Exhibits, contact this Division and your call will be transferred to the clerk.