

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-004188

09/27/2022

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
E. Wolf
Deputy

VILLA SENDERO HOMEOWNERS
ASSOCIATION INC

CHANDLER W TRAVIS

v.

DIANA COSTAIN

MARK BAINBRIDGE

MELISSA S DOOLAN
ALTERNATIVE DISPUTE
RESOLUTION - CCC
JUDGE MIKITISH

MINUTE ENTRY

The Court has received, reviewed, and considered the Parties' *Joint Report: Tier 2 Case*, filed September 20, 2022. Good cause appearing,

IT IS ORDERED adopting the Parties' pretrial deadlines and stipulations regarding scheduling, all in accordance with the formal written *Scheduling Order* signed by the Court September 27, 2022, and filed (entered) by the Clerk September 27, 2022.

In further accordance with the aforementioned *Scheduling Order*,

IT IS ORDERED that the parties shall participate in a mandatory settlement conference. This case is referred to the Court's Alternative Dispute Resolution (ADR) Department for the appointment of a judge *pro tempore* to conduct a settlement conference. The judge *pro tempore* is requested to conduct the settlement conference no later than **January 5, 2023**.

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IT IS FURTHER ORDERED setting a virtual **Trial Setting Conference on February 24, 2023 at 11:30 a.m. (time allotted: 15 minutes)** for the purpose of assigning a trial date and a final pretrial management conference date.

Counsel and self-represented parties shall have their trial calendars available.

The hearing(s) will be held by phone/video conference via the Court Connect platform. Please join my meeting from your computer, tablet or smartphone.

www.tinyurl.com/jbazmc-cvj12

You can also dial in using your phone (audio only)

+1 (917) 781-4590

Phone Conference ID: 508 176 593#

More information regarding Court Connect can be found at:

<https://superiorcourt.maricopa.gov/court-connect/>

NOTE: If a message is received stating that the courtroom is locked, please remain on the line. The previous hearing has not concluded. Once the prior hearing has concluded, admission shall be granted into the virtual courtroom.

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.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at (602) 506-3269.

IT IS FURTHER ORDERED that prior to the Trial Setting Conference the parties jointly discuss and attorneys must separately discuss with their clients the following items and arrive prepared to discuss with the Court.

A) Prospects for settlement of this matter.

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- B) Conversion of the trial from an in-person jury trial to a bench trial or virtual jury trial. In considering the option of a bench trial, the parties can propose a reassignment of the case to a different civil division for a bench trial upon agreement of the parties and the Court;
- C) Prospects for referral to a Late Case Fair Limits Proceeding (please see:
- <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AdministrativeOrders/AdminOrders/AO%202020-072.pdf>);
- D) Prospects for resolution through the Certified Arbitrator Program (please see:
- <http://www.superiorcourt.maricopa.gov/SuperiorCourt/AdministrativeOrders/AdminOrders/AO%202020-071.pdf>
 - <https://superiorcourt.maricopa.gov/media/6533/certified-arbitrator-list-9112020.pdf>)
- E) If the case will proceed to an in-person jury trial, available dates for trial, anticipated length of trial, essential in-person trial participants, and other issues that may be relevant in setting the matter for trial.

IT IS FURTHER ORDERED that the parties must jointly prepare and submit 60 days prior to the commencement date of trial a **Trial Readiness Form**, which includes the following information:

- Filing date of the Complaint;
- Number of trial days including jury selection and anticipated time for deliberations;
- Name and position of essential trial participants;¹

¹ Essential trial participants include necessary attorney(s), parties or party representatives, individuals identified by the judge as essential, court reporter, interpreter, and expert witness(es) if observing trial in-person rather than virtually. Remember, all civil courtrooms have the capability for hybrid trials with some participants virtual and others in-person. Therefore, individuals can participate in the trial without being physically present in the courtroom. Witnesses are considered essential trial participants and regardless of the number of witnesses called on a particular day, the number of essential trial participants should only identify "Witness" and list the number as "1." For example:

Essential trial participants:

1. Bob Jones: Plaintiff's attorney
2. Cindy Shell: Plaintiff
3. Interpreter for Cindy Shell
4. John Shell: Plaintiff (John would prefer to appear in-person, but is willing to appear virtually)
5. Susan Wall: Defendant's attorney
6. Jordan Glass: Defendant party representative
7. Witness

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- Number of jurors and whether the parties agree to a reduction in the number of jurors;
- Whether the parties request virtual jury selection, in-person jury selection or hybrid jury selection;²
- Whether the parties consent to the jurors utilizing Court Connect rather than appearing in-person for trial;
- Whether the case is appropriate for “stand-by status”;³
- Number of prior trial settings and reasons for continuance;
- Preferred dates for trial; and
- Whether the case has unique challenges or scheduling issues.

Please note: The Court has signed a hard-copy version of the order provided with an electronically filed pleading. After the order has been scanned and docketed by the Clerk of Court, additional copies of the order will be available through ECR Online at www.clerkofcourt.maricopa.gov and from the Public Access Terminals at the Clerk of Court’s offices located throughout Maricopa County.

8. Court reporter

Requested additional participants if spacing permits:

1. Plaintiffs’ paralegal
2. Defendant’s expert for Day 4 of trial (Defendant’s expert can appear virtually to observe trial is spacing does not permit his physically appearance).
3. Defendant’s co-counsel

² Hybrid jury selection refers to jurors who can appear from home entering the virtual courtroom while jurors who are unable to appear virtually participate in-person.

³ Stand-by status refers to a trial that can begin if parties are given one-week notice.