

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-052947

09/14/2023

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
C. Ladden
Deputy

AMY HILBURN

JONATHAN A DESSAULES

v.

STETSON VALLEY OWNERS ASSOCIATION,
et al.

JOSHUA M BOLEN
JUDGE GORDON

MINUTE ENTRY

NER – Courtroom 111

8:46 a.m. This is the time set for an Order to Show Cause Hearing on Plaintiff's Application and Memorandum in Support of Temporary Restraining Order and Preliminary Injunction filed on August 1, 2023. Plaintiff is represented by counsel, Ashley Hill, appearing on behalf of Jonathan A. Dessauls. Defendants are represented by counsel, Joshua Bolen. All parties are present via Court Connect audio-video platform.

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

Discussion is held regarding case status and whether an Evidentiary Hearing is necessary.

Based on the matters presented,

IT IS ORDERED setting an Evidentiary Hearing on Plaintiff's Application and Memorandum in Support of Temporary Restraining Order and Preliminary Injunction filed on August 1, 2023 for **October 20, 2023 at 1:30 p.m. (time allotted: 3 hours)** in this Division. Counsel and the parties, if representing themselves, are to **appear in person** before:

The Honorable Michael D. Gordon

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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**Northeast Regional Court Center
Courtroom 111
18380 North 40th Street
Phoenix, Arizona 85032
Phone: 602-372-0762**

PRE-HEARING STATEMENT. The parties shall file with the Court **no later than 5:00 p.m. on October 13, 2023**, a **Pre-Hearing Statement**, signed by all counsel (and any self-represented party) and containing the following. **This order modifies the requirements of Ariz. R. Civ. P. 16(f).**

1. **List of Claims.** The Joint Pretrial Statement must contain a list of all claims or causes of action on which a relief is sought by any party.
2. **No List of Issues.** The requirements of Ariz. R. Civ. P. 16(f)(2)(A), (B) and (C) are waived. The parties need not prepare a list of stipulations, agreed contested issues or other issues considered material. Disputes over what issues are properly in the case will be decided under Rule 26.1. The parties may, if they wish, submit one or more separate stipulations regarding facts, evidence or other matters.
3. **Witnesses.** The Joint Pretrial Statement must include an exhibit entitled Witness List, which must list each witness a party expects to call at trial (in person or by deposition) and the day on which they expect to call that witness. If the Court finds that a party unreasonably included witnesses not likely to be called at trial, it may consider appropriate sanctions.
4. **Trial Exhibits.** As required by Rule 16(f)(2)(E), all trial exhibits must be listed in the Joint Pretrial Statement along with objections. The Court typically resolves objections to exhibits at trial, but objections must be listed in the Joint Pretrial Statement to be preserved. If the Court finds that a party unreasonably included exhibits not likely to be used at trial, it may consider appropriate sanctions.
5. **Deposition Designations.** Deposition designations and objections should not be included in the Joint Pretrial Statement, but must be submitted to the Court three judicial days before the start of trial. The Court will resolve deposition designations as follows: By 4:00 p.m. the day before a party plans to read deposition testimony, that party must provide the Court a hard copy of the deposition transcript with (1) the portions to be read highlighted, (2) any counter-designations highlighted in a different color, and (3) any objections written in the margin. The Court will rule on any objections by the next day.

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If the party plans to play a video deposition, the transcript must be provided by 4:00 p.m. two days before the deposition will be played.

6. **Other Matters.** The Joint Pretrial Statement must include the matters in Ariz. R. Civ. P. 16(f)(2)(H) - (M).

IT IS FURTHER ORDERED that the parties shall hand-deliver all exhibits for the Evidentiary Hearing to this Division's inbox at the entry to the Northeast Regional Court **no later than 12:00 p.m. on October 13, 2023. Please note the exhibits are due hard-copy, not electronically.**

For submitting paper exhibits, please adhere to the following 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 with Plaintiff's exhibits following.
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 the parties confer to avoid submitting duplicate exhibits.**
4. If large charts or enlarged photos 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 as the exhibits, and are returned.
5. Each multiple page exhibit **MUST** be securely fastened together by staple or pronged fasteners. **DO NOT use paper clips, rubber bands, binder clips or submit loose sheets of paper.**
6. Do not put numbers on the exhibits themselves; instead, **use a COLORED sheet with the exhibit number on it.** Place the colored sheet in front of each exhibit, however, **DO NOT staple or paper-clip it to the exhibit itself** (this should be the only loose sheet).

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7. The parties 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). Keep the descriptions of the exhibits *simple* (*bank statement, article, letter, email, etc.*). Do not use a description that cannot be verified by looking at the first page of document or item. *Do not include Bates numbers in your description of the exhibits, as they do not constitute a simple description.*
8. If media files or video-recordings are anticipated to be submitted for marking, please submit them on **thumb-drives**, not on a CD, and deliver them to the Clerk of Court at the time of exhibit submission. A separate thumb-drive must be used for each file.

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

PLEASE NOTE: Each party shall provide a binder of exhibits for the Court’s use.
Each exhibit shall be separated by numbered divider tabs.

Discussion is held regarding conducting expedited discovery prior to the Evidentiary Hearing. Once an Answer has been filed, counsel may meet and confer and submit a proposed scheduling order with discovery deadlines.

Discussion is held regarding service and the filing of Defendants’ Answer. Counsel Bolen advises the Court that he intends to file an Answer next week. Counsel further advises the Court that a stipulation has been reached with Defendant Chavez and he will be dismissed from this matter.

8:54 a.m. Matter concludes.

NOTICE: Exhibits Marked But Not Offered

Exhibits submitted to the Court for an evidentiary hearing/trial that are marked as exhibits but are not offered into evidence at the evidentiary hearing/trial will be destroyed following the hearing/trial, unless a party requests that the evidence be returned at the conclusion of the hearing/trial. Such requests must be filed with the Court and served on all parties in advance of the hearing or by no later than the conclusion of the hearing/trial.

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

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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.