

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-001865

09/20/2024

HONORABLE SCOTT A. BLANEY

CLERK OF THE COURT
P. McKinley
Deputy

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE

TESSA KNUEPPEL

v.

SUSAN M WELLMAN, et al.

OLEN V LENETS

JOSHUA M BOLEN
JUDGE BLANEY

EVIDENTIARY HEARING SET

East Court Building – Courtroom 411

10:00 a.m. This is the time set for a virtual Order to Show Cause Return Hearing on Plaintiff's *Motion for Sanctions and Order to Show Cause Re: Contempt*, filed May 21, 2024. Plaintiff The Val Vista Lakes Community Association is represented by Counsel Tessa Knueppel and Joshua M. Bolen. Defendant Susan M. Wellman is not present or represented. All appearances are virtual and/or telephonic.

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

This is a 15-minute return hearing. No evidence will be received today.

LET THE RECORD REFLECT this matter was scheduled to begin at 10:00 a.m. It is now 10:02 a.m. and Defendant and Defendant's counsel have failed to appear or to contact the Court to request a continuance. The Court will proceed in their absence.

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The Court poses questions to Plaintiff's counsel as how this case should proceed forward. Discussion is held.

IT IS ORDERED Defendant Susan M. Wellman and Defendant's counsel, Olen V. Lenets, shall file **no later than September 30, 2024** a written notice informing the Court the reasons for their absence today and also showing cause as to why they should not be sanctioned pursuant to Rule 16(h) Ariz. R. Civ. P.

LET THE RECORD REFLECT when this hearing goes into recess, court staff will join the virtual courtroom to arrange a mutually convenient date and time for a one-half day evidentiary hearing combined with trial on the merits.

10:08 a.m. Matter concludes.

LATER:

IT IS ORDERED setting an **in-person** Evidentiary Hearing combined with trial on the merits on **October 1, 2024 at 9:00 a.m. (time allotted: one-half day)**, before this Division.

**Honorable Scott A. Blaney
East Court Building
101 West Jefferson, Courtroom 411
Phoenix, Arizona 85003-2202
Telephone: (602) 372-1095**

The hearing hours will be as follows: **9:00 a.m. to 12:00 p.m.**

IT IS FURTHER ORDERED counsel shall file, **at least five (5) business days prior to the hearing**, a Joint Hearing Statement signed by all counsel/parties.

EXHIBIT REQUIREMENTS

IT IS ORDERED that the parties submit any proposed hearing exhibits as follows:

1. **Submit Hearing Exhibits through Case Center**. This division is using Case Center (also known as Case Lines), a statewide electronic exhibit portal. Attorneys must submit exhibits through Case Center; Self-Represented Litigants can request to opt-out of Case Center by contacting the judge's division at

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erin.kelly@jbazmc.maricopa.gov. Unless otherwise ordered, Exhibits must be submitted at least **5 business days** before the hearing as provided below.

2. **Opting Out of Case Center (Self-Represented Litigants only)**. A Self-Represented Litigant may opt out of Case Center no less than **10 calendar days** before the trial/evidentiary hearing (or within 24 hours of being served with notice if the party is served less than **10 calendar days** before the evidentiary hearing). The Self-Represented Litigant must email the other Self-Represented Litigants or counsel and the assigned judicial division to notify the court that they are opting out and to request instructions for submitting exhibits. Self-Represented Litigants must comply with the deadline for submitting Exhibits. Each party must make sure the Court has the party's valid current email address. If you do not have an email address, you can obtain a free one through accounts.google.com. Each party must register for Case Center at www.azcourts.gov/digitalevidence. The website has links to training resources that will guide you through uploading exhibits and navigating Case Center. The Clerk of Court will email each party (or their attorney of record) a case-specific Case Center link that the party will use to upload exhibits. **For assistance with Case Center invitations only**, email the Clerk of Court at COCExhibitQuestions@maricopa.gov. The email subject line should include the case number. The body of the email should include the parties' names, the assigned judge's name, and explain that the sender is requesting help with a Case Center invitation.
3. **Exhibit Format**. Case Center accepts most digital formats (including photographs, PDFs, Word files, audio files, and video files). Case Center automatically numbers the exhibits. Plaintiff/Petitioner's exhibits have an A- prefix (Exhibit A1, A2, etc.) and Defendant/Respondent's exhibits have a B- prefix (Exhibit B1, B2, etc.). During the hearing, the parties must refer to exhibits using the Case Center exhibit numbers. For assistance with Case Center, contact AOC Support Services at (602) 452-3519 (option 5) or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM, excluding State holidays.
4. **Exhibit Upload Assistance**. Scanners are available at each of the regional court Law Library Resource Centers. Each scanner has an attached computer and instructions on how to upload exhibits into Case Center.
5. **Exchange Exhibits**. At least **5 business days (not including weekends)** before the hearing, you must give the other party copies of all exhibits you submitted for use at the hearing.

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- 6. Physical Exhibits.** The Courtroom Clerk will handle marking physical exhibits for Self-Represented Litigants who opt out of Case Center. Attorneys who submit physical exhibits must create a placeholder in Case Center and include “Physical Exhibit” in the name of the exhibit prior to submitting the physical exhibit(s) to the judge’s division. The collection of physical exhibits must have a Physical Exhibit Case Coversheet that includes the following: (1) the name of the party submitting the exhibit(s); (2) the case number; (3) the date of hearing; and (4) the exhibit number(s) and description(s). In addition, each individual exhibit must have an Exhibit Coversheet printed on color paper indicating the physical exhibit’s exhibit number in Case Center. For Self Represented Litigants, if any individual exhibit is a document that is longer than ten (10) pages, each page of the exhibit should be numbered. Division staff will provide the exhibits to the Courtroom Clerk for marking. The Courtroom Clerk will mark physical exhibit(s) with the same exhibit number used in Case Center
- 7. Devices and WiFi.** If needed, hearing participants may request to use a court-provided devices to view and present exhibits during an evidentiary hearing. All requests for access to a court-provided device must be submitted to the division via email **5 calendar days** before the Hearing. Hearing participants can connect to the court’s free MCPUBLIC WiFi for up to 90 minutes. For evidentiary hearings/trials longer than 90 minutes, WiFi users, the parties may request access to MCSponsored WiFi which will allow access to WiFi without the need to reconnect after 90 minutes by emailing the assigned division **10 calendar days** in advance of any Hearing. Self-Represented Litigant access will be valid for 60 days; lawyer and nonlawyer representative access will be valid for 365 days.
- 8. Remote Witnesses.** Any party who calls a witness who is appearing remotely (*i.e.*, by telephone or videoconference) should either (1) provide the witness with a copy of all exhibits or (2) ensure that the remote witness has an electronic device available that allows them to view exhibits displayed on a screen through either Case Center or Teams.
- 9. Exhibit Presentation During Hearings.** *Unless indicated otherwise in any hearing-specific court minute entry or order*, offerors may, but are not required to, use Case Center to present (e.g., show to the court, a witness, or the jury) evidence during a Hearing. Options for presentation of evidence include but are not limited to the following: (1) use of paper copies of the exhibits that have been uploaded to Case Center; (2) use of evidence presentation software and/or PDF viewers to display PDFs of exhibits that have been uploaded to Case Center; (3) screen sharing of Case Center through Court Connect (Teams); and (4) use of Case Center “Presentation”

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mode to share exhibits. Parties are strongly encouraged to download PDFs of their Case Center exhibits and/or have paper copies available in the event there are technological difficulties in the courtroom.

10. **Additional resources.** For Case Center related training and questions, the parties may wish to visit the Thomson Reuters Case Center Home Page at <https://answers.legalprof.thomsonreuters.com/casecenter-us/search>. *For technical issues with Case Center*, parties may contact AOC Support Services Monday – Friday from 7:00 AM – 6:00 PM, excluding State holidays, at (602) 452-3519, 1-800-720-7743 (toll free), or pasupport@courts.az.gov. The parties may also wish to review A.O. 2024-080 at <https://superiorcourt.maricopa.gov/media/30ylnjsa/ao2024-080-re-use-of-case-center-in-the-civil-department.pdf> for additional information regarding Case Center.

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.