

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-001187

10/15/2013

HON. JOHN REA

CLERK OF THE COURT  
L. Gilbert  
Deputy

SANDS SCOTTSDALE TOWNHOUSES I & I I, STEVEN W CHEIFETZ  
et al.

v.

SANDS SCOTTSDALE HOME OWNERS CHAD PHILIP MIESEN  
ASSOCIATION, et al.

MINUTE ENTRY

East Court Building – Courtroom 414

8:30 a.m. This is the time set for Oral Argument on Plaintiffs' August 21, 2013 Motion for Summary Judgment on Count Four of Their First Amended Verified Complaint for Injunctive Relief and to Compel Fair Elections. Plaintiffs are represented by counsel, Steven W. Cheifetz and Jacob A. Kubert. Defendants are represented by counsel, Chad Philip Miesen and Lindsey O. Stearns.

A record of the proceedings is made by audio/videotape in lieu of a court reporter.

Argument is presented.

IT IS ORDERED Defendants shall file a supplemental response solely on the legal issue of the 6-2-1 amendment and the removal of cumulative voting violates Article IX, Section 2 of the Declaration no later than **October 29, 2013**. Plaintiffs shall file a supplemental reply no later than **November 5, 2013**. Upon receipt of said documents, this matter will be deemed submitted

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and taken under advisement. If the legal issue does not prevail, the factual issues of whether or not the 6-2-1 amendment and the removal of cumulative voting is unreasonable and unfair remain and said issues will be addressed the evidentiary hearing set forth below.

IT IS FURTHER ORDERED setting an Evidentiary Hearing on 1) the issue of whether or not the 35% quorum is impractical and attainable; and 2) (if necessary) the factual issues of whether or not the 6-2-1 amendment and the removal of cumulative voting is unreasonable and unfair on **January 3, 2014 at 9:30 a.m. (time allotted: One (1) day)** before:

**HONORABLE JOHN REA  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
4<sup>TH</sup> FLOOR, COURTROOM 414  
PHOENIX, AZ 85003  
602-372-0382**

IT IS FURTHER ORDERED that all parties shall hand-deliver to the Clerk of this Division all exhibits to be used at the hearing **at least three (3) business days prior to the hearing**. All hearing exhibits shall have been exchanged prior to that time. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of colored paper. No duplicate exhibits shall be presented for marking. Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits. (For example, Plaintiff submits 10 exhibits, which are marked Exhibit 1 through 10. Defendant submits 10 exhibits, which are marked 11 through 20). Exhibits **must** be stapled or bound together prior to delivery to the clerk. Upon submission of the exhibits to the clerk, please provide one additional set in a binder for the Judge's reference during the hearing. Please contact the Clerk with any questions regarding procedures for marking and submitting exhibits (602) 506-8806.

IT IS FURTHER ORDERED Counsel shall file, **no later than December 30, 2013**, a Joint Hearing Statement signed by all counsel/parties.

- a) **Deposition Summary**: Counsel shall provide to the Court copies of any deposition transcripts to be read in place of live testimony. The offering party will highlight the portions to be read, the other side will highlight Rule 106 additions, and any objections for the Court to rule on will be clearly marked in the margin. The parties are encouraged to agree on narrative summaries of deposition testimony, using brief question and

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answer excerpts only to emphasize very important testimony or to cover areas of testimony that cannot be summarized to the satisfaction of all counsel. No stipulation should be unreasonably refused.

- b) Final Trial Witnesses: The Joint Hearing Statement shall include an exhibit titled: Final Hearing Witness List. This list shall contain the name of each witness a party actually intends to call at the hearing, the day on which they intend to call each witness and the **estimated time needed for direct, cross and re-direct examination**.

The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by audio and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$20.00 charge. If a CD is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100**. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

**With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter.** If a court reporter is required, the Court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

9:22 a.m. Matter concludes.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.