

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-007758

10/07/2016

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT
L. Nelson
Deputy

DESERT PEAK HOMEOWNERS
ASSOCIATION

EMILY H MANN

v.

PINNACLE AT DESERT PEAK
CONDOMINIUM ASSOCIATION, THE

ALEXIS M FIREHAWK

MINUTE ENTRY

Courtroom ECB-713:

3:00 p.m. This is the time set for Trial Management Conference. Plaintiff, Desert Peak Homeowners Association, is represented by counsel, Emily H. Mann and Troy B. Stratman. Defendant, The Pinnacle at Desert Peak Condominium Association, is represented by counsel, Alexis G. Firehawk and Joshua M. Bolen.

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

Discussion is held regarding the impact of the Arizona Court of Appeals' Decision dated December 8, 2015 on this case.

Argument is heard on (1) Defendant's Motion *in Limine* Precluded Damages filed September 6, 2016; and (2) Plaintiff Desert Peak Homeowners Association's Motion *in Limine* filed September 7, 2016.

For the reasons set forth on the record,

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IT IS ORDERED denying Defendant's Motion *in Limine* Re: Precluded Damages, which seeks to preclude Plaintiff from asserting any damages claims other than 34.8% of the cost of actual use of the common areas.

IT IS FURTHER ORDERED granting Plaintiff Desert Peak Homeowners Association's Motion *in Limine* precluding the testimony of defense expert Charles Maxwell.

IT IS FURTHER ORDERED denying the request for reimbursement of expert expenses that Defendant may have incurred in connection with Plaintiff Desert Peak Homeowners Association's Motion *in Limine*.

IT IS FURTHER ORDERED counsel shall have until **5:00 p.m. on October 24, 2016**, to submit Trial Briefs. Each pleading shall not exceed 10 pages in length.

Argument is heard regarding the "offset claim" which Defendant would like to claim as a defense, and which Plaintiff's counsel believes may pose a potential conflict, due to the fact that Defendant's firm historically represented Plaintiff in 2009 and 2010. Counsel shall contact the Arizona Bar Ethics Committee regarding the potential conflict and file a Notice apprising this Court of their findings.

3:38 p.m. Hearing concludes.