

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2018-014261

09/25/2020

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT  
D. Charbagi  
Deputy

JASON KOMOROWSKI, et al.

E JEFFREY WALSH

v.

WHISPER MOUNTAIN HOMEOWNERS  
ASSOCIATION

BRADLEY R JARDINE

ROBERT A HILL  
MICHAEL WARZYNSKI  
JUDGE MIKITISH

MINUTE ENTRY

East Court Building – Courtroom 913

3:30 p.m. This is the time set for Oral Argument on Plaintiffs' Motion in Limine, filed July 22, 2020. Plaintiffs, Jason Komorowski and Melissa Komorowski are present and represented by counsel, E. Jeffrey Walsh and Robert Hill. Defendant, Whisper Mountain Homeowners Association is represented by counsel, Bradley R. Jardine and Michael Warzynski. The parties are present through virtually through GoToMeeting and/or telephonically.

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

Discussion is held regarding the remaining motions.

**IT IS ORDERED** deeming Plaintiffs Motion for Clarification of Court Order filed on August 21, 2020, as moot.

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Argument is heard/presented regarding Plaintiffs Motion in Limine to Preclude Evidence of Settlement Negotiations pursuant to Arizona Rule of Evidence 408 filed on July 22, 2020.

For the reasons stated on the record,

**IT IS ORDERED** granting Plaintiffs Motion in Limine to Preclude Evidence of Settlement Negotiations pursuant to Arizona Rule of Evidence 408 filed on July 22, 2020.

**IT IS FURTHER ORDERED** vacating the 4 day jury trial set on September 28, 29, 30 and October 1, 2020 and resetting same to **November 4, 5, 9, and 10, 2020 at 9:00 a.m.** before:

**THE HONORABLE JOSEPH P. MIKITISH  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
9TH FLOOR, COURTROOM 913  
PHOENIX, AZ 85003  
PHONE: (602) 372-1547**

**THIS IS A FIRM TRIAL SETTING.**

The days of trial are:

Please note that normal trial days in this division are Monday through Thursday from 9:00 a.m. to 4:30 p.m. The lunch break will be taken at Noon, with the afternoon session to begin promptly at 1:30 p.m. A fifteen (15) minute break will be taken both mid-morning and mid-afternoon, with the trial day to end at 4:30 p.m.

One day's jury fees will be assessed against the parties (evenly divided) unless the court is notified of settlement by 2:00 p.m. on the judicial day before trial or 11:00 a.m. on Friday for trials beginning on a Monday. The parties are reminded to promptly notify the court of any settlement pursuant to Rule 5.3(d), Ariz. R. Civ. P.

**IT IS FURTHER ORDERED** setting **Final Trial Management Conference** on **October 8, 2020 at 1:30 p.m. (1 hour allotted)**. The Final Trial Management Conference shall be governed by the Pretrial Management Orders issued this date. **Trial counsel/parties who are not represented by counsel** shall attend this conference in person.

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**IT IS FURTHER ORDERED** that the **Joint Pretrial Statement (JPTS)** in accordance with Rule 16(f), Arizona Rules of Civil Procedure (ARCP), is due in this division by **5:00 p.m., October 7, 2020.**

4:25 p.m. Matter concludes.

**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.