

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-014261

10/08/2020

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
C. Lacey
Deputy

JASON KOMOROWSKI, et al.

E JEFFREY WALSH

v.

WHISPER MOUNTAIN HOMEOWNERS
ASSOCIATION

BRADLEY R JARDINE

JUDGE MIKITISH

MINUTE ENTRY

ECB 913

2:19 p.m. This is the time set for a Pretrial Conference/Trial Management Conference. Plaintiffs Jason Komorowski, who is present virtually, and Melissa Komorowski, who is not present, are represented by counsel, E. Jeffrey Walsh and Robert Hill. Defendant Whisper Mountain Homeowners Association is represented by counsel, Michael Warzynski, appearing for Bradley R. Jardine. Plaintiff Jason Komorowski appears via the GoToMeeting platform.

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

Discussion is held regarding:

- The Defendant's June 1, 2020 Daubert Motion to Preclude and/or Restrict Plaintiffs' Expert Opinions Pursuant to ARE 702 and ARCP 26(d)(1)
- The Plaintiffs' Response thereto, filed July 6, 2020
- The Defendant's Motion to Reconsider, filed October 6, 2020
- The current public health crisis and coronavirus safety measures

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- Courtroom and trial logistics, including jury notebooks
- The parties' objections to one another's expert reports
- The parties' Joint Pretrial Statement and the Plaintiffs' objections to the Defendant's witness disclosure

LET THE RECORD REFLECT that the parties stipulated on the record to **grant** the October 6, 2020 Motion to Reconsider, to the extent that it allows the Defendant to file a Reply to the Plaintiffs' July 6, 2020 Response by no later than Thursday, **October 15, 2020**.

The Court requests that the parties consider a Stipulation limiting the jury panel to five jurors. In the event that the parties reach an agreement, the Court shall consider any such Stipulation submitted on or before **October 15, 2020**.

The Court notes that it shall consider any Stipulation regarding jury notebooks submitted on or before **October 15, 2020**.

LET THE RECORD REFLECT that the parties stipulated on the record to **grant** the Plaintiff Melissa Komorowski leave to appear at trial remotely via videoconference. The Court notes that other witnesses shall be permitted to appear virtually for their testimony in the event that they are not comfortable appearing in person due to the current public health crisis.

For reasons stated on the record,

IT IS ORDERED that the Defendant shall provide contact information, including addresses and phone numbers, for each of the five (5) witnesses to whom the Plaintiff objected.

The Court indicated its inclinations towards those objections subject to additional showing of prejudice to the Plaintiff regarding three of the witnesses, and subject to allowing the Plaintiff to interview two (2) who may be considered to be members of the party Whisper Mountain Homeowners Association.

3:26 p.m. Matter concludes.