

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-008955

10/16/2020

HONORABLE CHRISTOPHER COURY

CLERK OF THE COURT
N. Johnson
Deputy

SUNRISE DESERT VISTAS PROPERTY
OWNERS ASSOCIATION INC

GUY W BLUFF

v.

DONA LISA JOHNSON

DANIEL R SALLUS

JUDGE COURY

MINUTE ENTRY

East Court Building – Courtroom 914

10:38 a.m. This is the time set for a Final Trial Management Conference. Plaintiff/Counterdefendant, Sunrise Desert Vistas Property Owners Association, Inc., is represented by counsel, Guy W. Bluff. Defendant/Counterclaimant, Dona Lisa Johnson, is present and is represented by counsel, Daniel R. Sallus.

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

The Court informs counsel that they will have to file a certification that they have read and understood the various Orders regarding Covid-19.

Discussion is held regarding witnesses testifying via video conference. The Court updates counsel regarding new technology platforms. The Court informs counsel that it will accommodate witnesses testifying via video conference to reduce the number of people in the courtroom.

Discussion is held regarding the setting of a status conference and the testing of the Court's electronic equipment.

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The Court encourages counsel to consider seating a smaller jury panel.

Brief discussion is held regarding whether the case will proceed as a jury trial or may be tried to the Court. Counsel for defendant informs the Court that he would like to proceed with a jury trial.

Discussion continues regarding seating a smaller jury panel. Counsel for plaintiff informs the Court that they are amenable to having a smaller jury panel. Counsel for defendant informs the Court that he will notify the Court of his decision by next week.

The Court advises counsel that each side will have 2 peremptory strikes.

Jury selection is discussed. The Court addresses the parties regarding court operations and protocol for jury selection during the Coronavirus (Covid-19) outbreak.

Discussion is held regarding the length of the trial and the parties' Amended Joint Pretrial Statement, filed October 12, 2020. Case status and the scope of the trial are discussed with respect to the claims in the case.

For the reasons stated on the record,

IT IS ORDERED setting a **Status Conference** on **November 12, 2020 at 10:30 a.m.** (time allotted: 15 minutes) before:

Honorable Christopher A. Coury
East Court Building, Courtroom 914
101 West Jefferson Street
Phoenix, AZ 85003
(602) 372-3876

IT IS FURTHER ORDERED that the parties shall appear for the Status Conference via GoToMeeting. The Court will provide the contact information to counsel prior to the conference.

Discussion is held regarding exhibits and witness exhibit books. The Court encourages counsel to confer regarding the same.

The Court informs counsel that division staff will provide them a set of the Court's preliminary jury instructions. With respect to the final jury instructions, the Court informs counsel that it will be emailed. The Court continues to address the parties regarding court operations and protocols with respect to Covid-19.

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The parties invoke the Rule of Exclusion of Witnesses.

Logistical matters and protocols for masks in the courtroom are discussed.

Argument is presented regarding Defendant's Motion to Dismiss for Failure to Prosecute, filed May 6, 2020.

For the reasons stated on the record,

IT IS ORDERED granting in part and denying in part Defendant's Motion to Dismiss for Failure to Prosecute. The Court specifically Orders that trial will proceed on the matters and claims set forth in the parties' Amended Joint Pretrial Statement as outlined on the record.

Discussion is held regarding Defendant's Motion to Dismiss for Failure to Prosecute with respect to Michael Smith and Larry Morden.

For the reasons stated on the record, and good cause appearing,

IT IS ORDERED that Michael Smith and Larry Morden shall not be permitted to testify.

IT IS FURTHER ORDERED that the Defendant, Dona Lisa Johnson, will not be raising the defense that permits are required to remove the alleged obstruction to the easement.

Discussion is held regarding allowing the Court to conduct a Settlement Conference in this matter. The Court addresses counsel regarding the same.

Court and counsel discuss the contested issues of fact in the parties' Amended Joint Pretrial Statement.

Brief discussion is held regarding the setting of a Settlement Conference.

For the reasons stated on the record,

IT IS ORDERED setting a **GoToMeeting Settlement Conference on October 20, 2020 at 9:30 a.m. with plaintiff and 1:00 p.m. with defendant** before:

Honorable Christopher A. Coury
East Court Building, Courtroom 914
101 West Jefferson Street
Phoenix, AZ 85003

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IT IS FURTHER ORDERED that counsel, the clients, and non-lawyer representatives, who have full authority to settle this case, shall appear via GoToMeeting.

Counsel will be provided with the GoToMeeting contact information prior to the conference.

LET THE RECORD REFLECT that on the record, all counsel agree to the Court conducting ex-parte communications in connection with the settlement conference, as permitted by and pursuant to Rule 16.1, *Arizona Rules of Civil Procedure*.

IT IS FURTHER ORDERED that each party shall prepare a detailed description of prior negotiations and an assessment of what the barriers of prior settlement negotiations have been by **October 19, 2020**. Counsel shall e-mail same to the Court's Judicial Assistant: Leticia.Gauna@JBAZMC.Maricopa.gov.

IT IS FURTHER ORDERED directing all parties to participate in the Settlement Conference in good faith.

NOTE: Pursuant to Rule 16.1(h), Arizona Rules of Civil Procedure, failure to comply with this Order may result in the Court imposing sanctions.

11:28 a.m. Matter concludes.

IMPORTANT NOTICE REGARDING ONLINE PROFILE

Judge Coury maintains an online profile that answers many questions about courtroom and division procedures. Litigants and their attorneys should familiarize themselves with the online profile. You can find the online profile at the following link:

<http://www.superiorcourt.maricopa.gov/JudicialBiographies/judges/profile.asp?jdgID=272&jdgUSID=9683>.

Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a court facility to wear a mask or face covering at all times they are in the court facility. With limited exceptions, the court will not provide masks or face coverings. Therefore, any individual attempting to enter the court facility must have an appropriate mask or face covering to be allowed entry to the court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the court facility or asked to leave. In addition, all individuals entering a court facility will be subject to a health

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screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the court facility.