

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-055035

10/15/2020

HONORABLE GARY L. POPHAM JR.

CLERK OF THE COURT
V. Burton
Deputy

PALM TERRACE CONDOMINIUM
ASSOCIATION

KATHRYN A BATTOCK

v.

MAGTON L L C

JONATHAN A DESSAULES

COMM. POPHAM

MINUTE ENTRY

Prior to the commencement of the hearing, Plaintiff's Exhibits 1 through 4 and Defendant's Exhibits 5 through 22 were marked for identification.

Courtroom 105 – NER

1:29 p.m. This is the time for video conference Evidentiary Hearing regarding Plaintiff's Order to Show Cause filed on September 14, 2020. Plaintiff, Palm Terrace Condominium Association, is represented by counsel, Kathryn A. Battock. Defendant, Magton, LLC, is represented by counsel, Jonathan A. Dessaules. Counsel and potential witness for Defendant, Douglas M. Imperi, Jr., is present. All respective counsel appear via the GoToMeeting platform.

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

Discussion is held. Counsel for Defendant advises the Court that his client is having technical issues. The Court will take a short recess for Defendant to resolve technical issues.

1:31 p.m. Court stands at recess.

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1:39 p.m. Court reconvenes with respective counsel present. Anthony Williams, Member of Defendant, Magton, LLC, is now present.

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

Counsel for Plaintiff informs the Court that the structural issue has been remedied.

Discussion is held regarding the issues remaining for the evidentiary hearing.

Counsel for Plaintiff stipulates to the admission of Defendant's Exhibits 5 through 20 in evidence.

Opening statements.

Plaintiff's Case:

Gabriel Hernandez is sworn and testifies.

Counsel for Defendant stipulates to the admission of Plaintiff's Exhibits 1 and 4 in evidence.

Plaintiff's Exhibits 1 and 4 are received in evidence.

Defendant's Exhibits 5 through 20 are received in evidence.

Defendant's Case:

Douglas M. Imperi, Jr. is sworn and testifies.

Anthony Williams is sworn and testifies.

2:54 p.m. Due to technical issues, Anthony Williams is present by audio only.

Anthony Williams testifies further.

Closing arguments.

Based on the information and testimony presented and for the reasons stated on the record,

THE COURT FINDS no evidence of conduct that rises to the level of contempt.

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IT IS ORDERED denying Plaintiff's request for attorney's fees and costs.

There being no further need to retain the exhibits not offered or received in evidence in the custody of the Clerk of Court,

IT IS ORDERED directing the Clerk to dispose of Plaintiff's exhibits 2 and 3; and Defendant's exhibits 21 and 22 which were not offered or received in evidence.

ISSUED: Exhibit Disposal Form

3:23 p.m. Matter concludes.