

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2018-014261

10/22/2020

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

RULING

The Court has received and reviewed the Defendant's Motion to Preclude and/or Restrict Plaintiffs' Expert Opinions Pursuant to ARE 702 and ARCP 26(d)(1), filed June 1, 2020, and the Plaintiffs' Response thereto, filed July 7, 2020. Initially, no reply was filed. The Court entered a Ruling on September 9, 2020. Thereafter, the Defendant filed a Motion for Reconsideration because it had not received a copy of the Response and therefore did not know that a reply was required. The Court granted the Motion for Reconsideration to allow the Defendant to file a reply, which it later did on October 15, 2020.

Having now received the Motion, Response, and Reply, the Court finds it appropriate to deny the Motion. Each of the Plaintiffs' proffered experts have provided sufficient support that they possess the applicable knowledge to help the trier of fact to understand the evidence or determine a fact in issue. Each of the expert's testimony appears to be based on sufficient facts or data, given the limited requirements for expert reports in Tier 2. The testimony proffered by each expert appears to be the product of reliable principles and methods and that each expert has reliably applied those principles and methods to the facts of this case. See Rule 702, Arizona Rules of Evidence. If the evidence at trial does not support any of these factors, the Defendant may re-urge any applicable motion, including a motion to strike if appropriate.

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Therefore,

**IT IS ORDERED denying** the Motion.