

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2016-050453

10/04/2021

HONORABLE ALISON BACHUS

CLERK OF THE COURT  
C. Lett  
Deputy

VILLAGE AT GRAYHAWK OWNERS  
ASSOCIATION

JOSHUA M BOLEN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES  
1610 W ALOE VERA DR  
PHOENIX AZ 85085  
JUDGE BACHUS

MINUTE ENTRY

**LET THE RECORD REFLECT** that pursuant to a disability accommodation for a litigant in this matter, all minute entries issued shall be issued with a minimum of 14-point sized font.

Courtroom 111 - NER

8:30 a.m. This is the time set for a Trial Planning Conference via Court Connect. Counsel Scott Humble appears on behalf of Village at Grayhawk Owners Association in its role as Counter Defendant in this matter.

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Defendant/Counterclaimant Kathryn Marie Jones appears on her own behalf. All parties appear via the Court Connect platform.

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

Discussion is held regarding the status of the case.

Today's Trial Planning Conference was set prior to pretrial deadlines to discuss the effect that COVID-19 restrictions have regarding jury trials.

**LET THE RECORD REFLECT** that the Maricopa County Superior Court remains under the COVID-19 restrictions set forth by the Arizona Supreme Court.

Discussion is held regarding current jury trial procedures.

8:36 a.m. Counsel Timothy D. Butterfield appears on behalf of Village at Grayhawk Owners Association in its role as Plaintiff in this matter.

Discussion continues.

Based on matters presented to the Court, and for reasons stated on the record,

**IT IS ORDERED** that Defendant Jones' Response to the Motion for Summary Judgment shall be due 60 days from **September 25, 2021**.

**THE COURT NOTES** Defendant Jones objects to the September 25, 2021 date.

**IT IS FURTHER ORDERED** that Defendant Jones' Response to the Motion to Preclude Expert Testimony of Alan Jones shall be due 60 days from **September 22, 2021**.

This resolves Defendant Jones' Motion filed September 24, 2021.

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Defendant Jones makes an oral motion for an order that documents provided to her be in 14-point font.

**IT IS ORDERED** that the Clerk of Court set in 14-point font for all minute entries in this matter moving forward.

**IT IS FURTHER ORDERED** that the same page limitations shall be in place for Plaintiff/Counter Defendant from this date forward. For motions and responses, the page limit is expanded from 17 to 22 pages. For replies, the page limit shall be expanded from 11 to 14 pages.

Discussion is held regarding the briefing schedule. The pending Motion for Summary Judgment will not be resolved prior to the trial date.

**IT IS THEREFORE ORDERED** vacating the 11-day Jury Trial set to commence on November 29, 2021 and resetting same to **May 9, 2023 at 9:00 a.m.** in this Division before:

**The Honorable Alison S. Bachus  
Northeast Regional Court Center  
Courtroom 111  
18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032  
Phone: 602-506-7569**

Trial days in this matter will be as follows: **May 9, May 10, May 11, May 15, May 16, May 17, May 18, May 22, May 23, May 24, and May 25, 2023.**

**IT IS FURTHER ORDERED** vacating Final Trial Management on November 5, 2021 and resetting a Final Trial Management Conference for **April 7, 2023 at 9:00 a.m. (time allotted: 1 hour)** in this Division. All counsel (and any self-represented party) shall **appear in person** unless otherwise ordered.

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9:35 a.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.

Requests for interpreters, court reporters or video conference must be made at least fourteen (14) days prior to the trial/hearing date.

Trial time will be divided between Plaintiff(s) and Defendant(s). The Court reserves for itself 4.5 hours for the Court to do its portion of voir dire, read preliminary and final jury instructions, and for jury deliberations. The parties will then be splitting the remaining time for each party's portion of voir dire, opening statements, witness examinations, and closing arguments. The Court uses a timer to keep track of your time. When you are out of time, you are out of words.

Based on the trial setting, the Court sets the following deadlines and makes the following orders. The dates set forth in this order are firm dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

**DUTIES BEFORE THE FINAL TRIAL MANAGEMENT  
CONFERENCE**

**MOTIONS *IN LIMINE*.** All motions *in limine* shall be filed **no later than 5:00 p.m. 20 calendar days prior to the Final Trial Management Conference.** Written responses to motions *in limine* may be filed no later than 10 calendar days after service of the motion. No replies shall be filed. The Court may hear argument at the final trial management conference or may rule without oral argument. The parties must comply with Ariz. R. Civ. P. Rule 7.2(a) before filing any motion *in limine*.

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Each side will be limited to filing no more than 5 motions *in limine*. However, either side may file a brief of unlimited length addressing evidentiary issues anticipated to arise at trial.

**JOINT PRETRIAL STATEMENT.** The parties shall file with the Court **no later than 5:00 p.m. 7 days prior to the Final Trial Management Conference**, a **Joint Pretrial Statement**, signed by all counsel (and any self-represented party) and containing the following. **This order modifies the requirements of Ariz. R. Civ. P. 16(f).**

1. **List of Claims.** The Joint Pretrial Statement must contain a list of all claims or causes of action on which a verdict is sought by any party. Such list shall specify (1) the cause of action (e.g., breach of contract, negligence, etc.), (2) each party asserting that cause of action, and (3) each party against whom that cause of action is asserted.
2. **No List of Issues.** The requirements of Ariz. R. Civ. P. 16(f)(2)(A), (B) and (C) are waived. The parties need not prepare a list of stipulations, agreed contested issues or other issues considered material. Disputes over what issues are properly in the case will be decided under Rule 26.1. The parties may, if they wish, submit one or more separate stipulations regarding facts, evidence or other matters.
3. **Summary of the Case for Jury Selection.** The Joint Pretrial Statement must include an agreed-upon brief (generally less than 200 words) summary of the case for jury selection purposes. If the parties cannot agree, they must submit separate proposed summaries.
4. **Final Trial Witnesses.** The Joint Pretrial Statement must include an exhibit entitled Final Trial Witness List, which must list each witness a party expects to call at trial (in person or by deposition) and the day on which they expect to call that witness. If the Court finds that a party unreasonably included witnesses not likely to be called at trial, it may consider appropriate sanctions.

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5. **Trial Exhibits.** As required by Rule 16(f)(E), all trial exhibits must be listed in the Joint Pretrial Statement along with objections. The Court typically resolves objections to exhibits at trial, but objections must be listed in the Joint Pretrial Statement to be preserved. If the Court finds that a party unreasonably included exhibits not likely to be used at trial, it may consider appropriate sanctions.
6. **Deposition Designations.** Deposition designations and objections should not be included in the Joint Pretrial Statement, but must be submitted to the Court three judicial days before the start of trial. The Court will resolve deposition designations as follows: By 4:00 p.m. the day before a party plans to read deposition testimony, that party must provide the Court a hard copy of the deposition transcript with (1) the portions to be read highlighted, (2) any counter-designations highlighted in a different color, and (3) any objections written in the margin. The Court will rule on any objections by the next day. If the party plans to play a video deposition, the transcript must be provided by 4:00 p.m. two days before the deposition will be played.
7. **Other Matters.** The Joint Pretrial Statement must include the matters in Ariz. R. Civ. P. 16(f)(2)(H) - (M).

**JURY INSTRUCTIONS; VOIR DIRE.** The parties shall meet and agree on as many proposed jury instructions as possible. The parties shall file with the Court, with their Joint Pretrial Statement, copies of:

1. Proposed voir dire questions.
2. Agreed-upon preliminary and final jury instructions and proposed forms of verdicts.
3. Separate sets of requested instructions that have not been agreed upon. Recommended Arizona Jury Instructions (“RAJI”) may be referred to by

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name without reprinting, but if the RAJI contains options for the Court the party should indicate which options it is requesting.

Jury instructions not requested by the final trial management conference will be deemed waived unless good cause exists for the untimely request.

**SETTLEMENT.** The parties are reminded to promptly notify the Court of any settlement pursuant to Ariz. R. Civ. P. 5.3(d). One day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before the trial.

**DUTIES AT TRIAL MANAGEMENT CONFERENCE**

At the final trial management conference, the parties shall be prepared to discuss:

1. The claims and parties as to which a verdict is sought.
2. The length of the trial and any time limits to complete the trial in the allotted time.
3. Any scheduling or equipment issues.
4. Voir dire.
5. Any special issues regarding exhibits or deposition designations.
6. Preliminary jury instructions.
7. The case summary for jury selection purposes.
8. Motions in limine.
9. The potential for settlement before trial.

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**TRIAL EXHIBITS**

Counsel (and any self-represented party) **shall hand-deliver all trial exhibits to the Clerk of the Court file counter at Northeast Regional Court no later than 3:00 p.m. on April 7, 2023.**

**\*\*PLEASE NOTE: FOR JURY TRIALS, ONLY PAPER EXHIBITS SHALL BE SUBMITTED\*\***

For submitting paper exhibits, please adhere to the following guidelines:

1. Exhibits will be marked consecutively. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Any missing exhibits will not be considered and the numbers of all following exhibits will be moved up. If Defendant's exhibits are received prior to Plaintiff's exhibits, the clerk may mark them first with Plaintiff's exhibits following.
2. Original depositions will not be marked as an exhibit. **Original** depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial to be hand-filed.
3. Do not submit duplicate exhibits. **It is essential that the parties confer to avoid submitting duplicate exhibits.**
4. If large charts or enlarged photos are anticipated to be used, please include a small version (or photo) which can be marked as the exhibit. The charts and blow-ups are used for demonstrative purpose only, are not marked as the exhibits, and are returned.
5. Each multiple page exhibit **MUST** be securely fastened together by staple or pronged fasteners. **DO NOT use paper clips, rubber bands, binder clips or submit loose sheets of paper.**

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6. Do not put numbers on the exhibits themselves; instead, **use a COLORED sheet with the exhibit number on it**. Place the colored sheet in front of each exhibit, however, **DO NOT staple or paper-clip it to the exhibit itself** (this should be the only loose sheet).
7. The parties are to provide a workable list of exhibits. The list should include a title or description of each exhibit. (See blank sample of the following table as a reference). Keep the descriptions of the exhibits *simple*. Do not use a description that cannot be verified by looking at the first page of document or item. *Do not include Bates numbers in your description of the exhibits*, as they do not constitute a simple description.
8. If media files or video-recordings are anticipated to be submitted for marking, please submit them on **thumb-drives**, not on a CD, and deliver them to the Clerk of Court at the time of exhibit submission. A separate thumb-drive must be used for each file.

<b>Exhibit No.</b>	<b>Identified By</b>	<b>Description</b> <i>Should be verifiable when viewing the first page of the exhibit</i>	<b>Stipulated in Evidence/Objection</b>

**PLEASE NOTE:** Each party shall provide a binder of exhibits for the Court's use. Each exhibit shall be separated by numbered divider tabs.

For additional assistance in preparation of exhibits, contact the courtroom clerk at:  
[Cindy.Lett@maricopa.gov](mailto:Cindy.Lett@maricopa.gov)

**NOTICE: Exhibits Marked But Not Offered**

Exhibits submitted to the Court for an evidentiary hearing/trial, whether through hard copy or submitted electronically, that are marked as exhibits but

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are not offered into evidence at the evidentiary hearing/trial will be destroyed following the hearing/trial, unless a party requests that the evidence be returned at the conclusion of the hearing/trial. Such requests must be filed with the Court and served on all parties in advance of the hearing or by no later than the conclusion of the hearing/trial.

**USE OF COURTROOM EQUIPMENT**

All parties are expected to be familiar with the workings of the courtroom's electronic equipment. If there is a need to become familiar with this division's electronic equipment, please make an appointment through this Division's Courtroom Assistant, Bory Reth, at [CVJ16@JBAZMC.Maricopa.Gov](mailto:CVJ16@JBAZMC.Maricopa.Gov) to test the equipment no later than one week prior to the scheduled proceeding.

**COMMUNICATION WITH DIVISION**

Preferred communication with this Division is via email to the judicial assistant, Marlene Hovorka, at [Marlene.Hovorka@JBAZMC.Maricopa.Gov](mailto:Marlene.Hovorka@JBAZMC.Maricopa.Gov). For any and all such written communication, all other parties to the case shall be endorsed. The phone number for this division is (602) 506-7569.

**FOR ALL IN-PERSON APPEARANCES:** Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2021-109 and the Maricopa County Superior Court Administrative Order 2021-119 require all individuals entering a court facility in Maricopa County to wear a mask or face covering at all times that they are inside the facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied access to the facility. If a participant is denied physical access to a courthouse for refusing to wear a face covering, the participant must contact the assigned judicial division to determine whether the person can participate in the proceeding using an audio or video connection.