

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-010131

10/25/2022

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
K. Cabral
Deputy

RED MOUNTAIN RANCH OWNERS
ASSOCIATION

CHARLENE A CRUZ

v.

THERON L SIMS JR., et al.

THERON L SIMS JR.
6446 E TRAILRIDGE CIR # 78
MESA AZ 85215

CAPITAL ONE BANK U S A, N A
1600 CAPITAL ONE DR
MCLEAN VA 22102
DAVINA DANA BRESSLER
CARISA R SIMS
3632 SW HOLLY LN
TOPEKA KS 66604
SCOTT QUINLAN WILLARD BARNES
& KEESHAN L L C
3101 N CENTRAL AVE STE 1030
PHOENIX AZ 85012
COURT ADMIN-CIVIL-ARB DESK
JUDGE VIOLA

Controverting Certificates of Arbitration

The Court has received Defendant's Certificate of Compulsory Arbitration filed on September 23, 2022 which appears to controvert Plaintiff's Certificate of Compulsory Arbitration filed on August 5, 2022. To resolve this dispute, the following procedures must be followed.

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IT IS ORDERED Plaintiff shall, within 20 calendar days of the date of entry of this order, serve a comprehensive disclosure statement that addresses the issue of Plaintiff's claimed damages. In addition to what otherwise may suffice as compliance with Rule 26.1, "comprehensive" should be understood to include an itemized list of each element of compensatory and consequential damages that Plaintiff seeks together with a detailed description that would allow one to understand how each such amount of claimed damages was calculated (i.e. merely reciting a number will not be sufficient). If Plaintiff is serious about seeking recovery for any damages that do not lend themselves to more than an approximate calculation, then Plaintiff must disclose the approximate amount or range that Plaintiff anticipates requesting as an award at trial and a detailed explanation showing that the amount or range is reasonable. In addition, with that disclosure, Plaintiff must attach all documents that in any way support the claimed damages.

IT IS FURTHER ORDERED if, after receipt of the disclosure (or, in the event of Plaintiff's failure to comply with the requirements of the preceding paragraph), Defendant continues to maintain that the case is subject to compulsory arbitration, then Defendant should file a request with this division to refer the case to Civil Court Administration-Arbitration Desk, attaching a copy of the disclosure. It is not anticipated that such a motion will require more than 2-3 pages, including the caption and signature block.

IT IS FURTHER ORDERED if, after receipt of the disclosure, Defendant concludes that it would be pointless to request a referral to arbitration at this time, Defendant should notify Plaintiff, and in that event, the parties should comply immediately with Rule 16(c), failing which, this case will be dismissed.