

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-012489

10/15/2025

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
J. Zinkowich
Deputy

SAFARI DRIVE CONDOMINIUM
ASSOCIATION

KYLE BANFIELD

v.

WUZUP HOMES L L C, et al.

ISAAC M GABRIEL

NATHAN REIS
7000 BAHIA BEACH BLVD
RIO GRANDE
PUERTO RICO 00745
JUDGE WARNER

MINUTE ENTRY

East Court Building – Courtroom 712 – VC

9:05 a.m. This is the time set for a virtual Trial Setting Conference. The following parties/counsel are present:

- Plaintiff/Counter-Defendant, Safari Drive Condominium Association, is represented by counsel, Kyle Banfield, and co-counsel, Lydia A. Peirce Linsmeier.
- Defendant/Counterclaimant, Wuzup Homes LLC, is represented by counsel, Sarah Malham, on behalf of counsel of record, Isaac M. Gabriel.
- No one else appears.

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

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The Court and counsel discuss the status of the case and setting a trial date. Accordingly,

IT IS ORDERED setting this matter for a **4-day** jury trial on **April 13, 14, 15, and 16, 2026 at 9:30 a.m.** in this division before:

The Honorable Randall H. Warner
Maricopa County Superior Court
East Court Building
101 W. Jefferson, Suite 712
Phoenix, AZ 85003
Phone: 602-372-2966
Fax: 602-372-8746

Trial hours and days are normally 9:30 a.m. to 4:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday.

IT IS FURTHER ORDERED setting a Final Trial Management Conference for **March 13, 2026 at 10:00 a.m. (time allotted: 1 hour)** in this division. All counsel (and any self-represented party) shall **appear in person** unless otherwise ordered.

9:11 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.

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. on February 23, 2026.** 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

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Ariz. R. Civ. P. Rule 7.2(a) before filing any motion *in limine*. 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. on March 6, 2026**, 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.
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

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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), (I), (J) and (K).

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 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.

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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.

EXHIBIT REQUIREMENTS

IT IS ORDERED that the parties submit any proposed hearing exhibits as follows:

1. Submit Hearing Exhibits through Case Center. This division is using Case Center (also known as Case Lines), a statewide electronic exhibit portal. Attorneys must submit exhibits through Case Center; Self-Represented Litigants can request to opt-out of Case Center by contacting the judge's division CVJ18@jbazmc.maricopa.gov. Unless otherwise ordered, Exhibits must be submitted **at least 5 business days before the hearing** as provided below.

2. Opting Out of Case Center (Self-Represented Litigants only). A Self-Represented Litigant may opt out of Case Center no less than 10 calendar days before the trial/evidentiary hearing (or within 24 hours of being served with notice if the party is served less than 10 calendar days before the evidentiary hearing). The Self-Represented Litigant must email the other Self-Represented Litigants or counsel and the assigned judicial division to notify the court that they are opting out and to request instructions for submitting exhibits. Self-Represented Litigants must comply with the deadline for submitting Exhibits. Each party must make sure the Court has the party's valid current email address. If you do not have an email address, you can obtain a free one through accounts.google.com. Each party must register for Case Center at <https://digitalevidence.azcourts.gov/?tlang=en-US>. The website has links to training resources that will guide you through uploading exhibits and navigating Case Center. The Clerk of Court will send an email invitation to each party (or their attorney of record) with a case-specific Case Center link for uploading exhibits before the first hearing. For subsequent hearings in the same case, parties will not receive another email and should access the case on the Case List page. For instructions, See [AccessPortalAndSearchForCase.pdf](#) (azcourts.gov) For assistance with Case Center invitations only, email the Clerk of Court at COCEXhibitQuestions@maricopa.gov. The email subject line should include the case number. The body of the email should include the parties' names, the assigned judge's name and explain that the sender is requesting help with a Case Center invitation.

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3. Exhibit Format. Case Center accepts most digital formats (including photographs, PDFs, Word files, audio files, and video files). Case Center automatically numbers the exhibits. Plaintiff/Petitioner's exhibits have a P- prefix (Exhibit P1, P2, etc.) and Defendant/Respondent's exhibits have a D- prefix (Exhibit D1, D2, etc.). During the hearing, the parties must refer to exhibits using the Case Center exhibit numbers. For assistance with Case Center, contact AOC Support Services at (602) 452-3519 (option 5) or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM, excluding State holidays.

4. Exhibit Upload Assistance. Scanners are available at each of the regional court Law Library Resource Centers. Each scanner has an attached computer and instructions on how to upload exhibits into Case Center.

5. Exchange Exhibits. At least 5 business days (not including weekends) before the hearing, you must give the other party copies of all exhibits you submitted for use at the hearing.

6. Physical Exhibits. The Courtroom Clerk will handle marking physical exhibits for Self-Represented Litigants who opt out of Case Center. Attorneys who submit physical exhibits must create a placeholder in Case Center and include "Physical Exhibit" in the name of the exhibit prior to submitting the physical exhibit(s) to the judge's division. The collection of physical exhibits must have a Physical Exhibit Case Coversheet that includes the following: (1) the name of the party submitting the exhibit(s); (2) the case number; (3) the date of hearing; and (4) the exhibit number(s) and description(s). In addition, each individual exhibit must have an Exhibit Coversheet printed on color paper indicating the physical exhibit's exhibit number in Case Center. For Self-Represented Litigants, if any individual exhibit is a document that is longer than ten (10) pages, each page of the exhibit should be numbered. Division staff will provide the exhibits to the Courtroom Clerk for marking. The Courtroom Clerk will mark physical exhibit(s) with the same exhibit number used in Case Center

7. Devices and WiFi. If needed, hearing participants may request to use a court-provided devices to view and present exhibits during an evidentiary hearing. All requests for access to a court-provided device must be submitted to the division via email 5 calendar days before the Hearing. Hearing participants can connect to the court's free MCPUBLIC WiFi for up to 90 minutes. For evidentiary hearings/trials longer than 90 minutes, WiFi users, the parties may request access to MCSponsored WiFi which will allow access to WiFi without the need to reconnect after 90 minutes by emailing the assigned division 10 calendar days in advance of any Hearing. Self-Represented Litigant access will be valid for 60 days; lawyer and nonlawyer representative access will be valid for 365 days.

8. Remote Witnesses. Any party who calls a witness who is appearing remotely (i.e., by telephone or videoconference) should either (1) provide the witness with a copy of all exhibits or

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(2) ensure that the remote witness has an electronic device available that allows them to view exhibits displayed on a screen through either Case Center or Teams.

9. Exhibit Presentation During Hearings. Unless indicated otherwise in any hearing-specific court minute entry or order, offerors may, but are not required to, use Case Center to present (e.g., show to the court, a witness, or the jury) evidence during a Hearing. Options for presentation of evidence include but are not limited to the following: (1) use of paper copies of the exhibits that have been uploaded to Case Center; (2) use of evidence presentation software and/or PDF viewers to display PDFs of exhibits that have been uploaded to Case Center; (3) screen sharing of Case Center through Court Connect (Teams); and (4) use of Case Center “Presentation” mode to share exhibits. Parties are strongly encouraged to download PDFs of their Case Center exhibits and/or have paper copies available in the event there are technological difficulties in the courtroom.

10. Additional resources. For Case Center related training and questions, the parties may wish to visit the Thomson Reuters Case Center Home Page at <https://answers.legalprof.thomsonreuters.com/casecenter-us/search>. For technical issues with Case Center, parties may contact AOC Support Services Monday – Friday from 7:00 AM – 6:00 PM, excluding State holidays, at (602) 452-3519, 1-800-720-7743 (toll free), or pasupport@courts.az.gov. The parties may also wish to review A.O. 2024-080 at <https://superiorcourt.maricopa.gov/departments/superior-court/civil/case-center/> for additional information regarding Case Center.