

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-050453

10/28/2020

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT
G. Chavez
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
ALTERNATIVE DISPUTE
RESOLUTION - CCC
DOCKET-CIVIL-CCC
JUDGE CAMPAGNOLO

MINUTE ENTRY

Courtroom 102 – NER

8:33 a.m. This is the time set for a Telephonic Trial Setting Conference. Counsel Timothy D. Butterfield appears on behalf of Village at Grayhawk Owners Association in its role as Plaintiff in this matter and counsel Scott Humble appears on behalf of Village Grayhawk Owners Association in its role as Counterdefendant in this matter. Defendant/Counterclaimant, Kathryn Marie Jones, appears on her own behalf.

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

Discussion is held regarding Mrs. Jones' 3rd Request for a Stay of All Further Case Activities Which Has Been Continually Ignored by the Court and Directly Caused Personal Injuries to Occur, filed on September 28, 2020.

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THE COURT FINDS that, to the extent that Mrs. Jones is requesting a permanent stay or a permanent extension of time, such a request is not a reasonable accommodation.

IT IS THEREFORE ORDERED denying Mrs. Jones' 3rd Request for a Stay of All Further Case Activities Which Has Been Continually Ignored by the Court and Directly Caused Personal Injuries to Occur, filed on September 28, 2020, to the extent that Mrs. Jones is requesting a permanent stay or a permanent extension of time.

Mrs. Jones makes an oral motion to be allowed twice the amount of time than provided by the Rules of Civil Procedure to file a response or reply to any pleadings in this matter. Plaintiff's counsel do not object.

IT IS ORDERED that Mrs. Jones shall be allowed twice the amount of time than provided by the Rules of Civil Procedure to file a response or reply to any pleadings in this matter.

Further discussion is held.

IT IS FURTHER ORDERED that if any party makes a request to appear remotely for their deposition due to circumstances related to Covid-19, then such a request shall be honored without further order of the Court. All requests to be deposed by remote means shall be conducted by videoconference. This automatic right to appear remotely for a deposition shall not apply to non-parties, including lay and expert witnesses. All non-parties shall need to file a written request to appear remotely on a deposition-by-deposition basis.

LET THE RECORD REFLECT that Plaintiff's counsel agree to work with Defendants' experts as to any requests to appear by videoconference for depositions.

IT IS FURTHER ORDERED that all depositions shall be completed no later than **August 31, 2021**.

IT IS FURTHER ORDERED that the parties shall attend an ADR Settlement Conference no later than **August 31, 2021**. If the parties choose to participate in private mediation, then they shall immediately notify the Court so that the ADR Settlement Conference can be vacated.

IT IS FURTHER ORDERED that all dispositive and/or *Daubert* motions shall be filed no later than **September 14, 2021**.

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IT IS FURTHER ORDERED that Mrs. Jones shall contact the Clerk's Office at (602) 372-5375 to find out how to obtain access to this court docket from home. If the issue is not resolved, then a representative from the Clerk's Office shall provide a letter to this Court as to why Mrs. Jones is unable to obtain access to this court docket from home.

IT IS FURTHER ORDERED setting an **11-Day Jury Trial on November 29-30, 2021, December 1-2, 2021, December 6-9, 2021, and December 13-15, 2021, at 9:30 a.m.** before:

**The Honorable Judge Theodore Campagnolo
Superior Court of Arizona
Northeast Regional Court Center
18380 North 40th Street
Courtroom 102
Phoenix, Arizona 85032
(602) 372-0537**

THIS IS A FIRM TRIAL SETTING.

Trial hours will be from 9:30 a.m. to 12:00 p.m. and 1:30 p.m. to 3:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday (unless otherwise ordered by the Court).

IT IS FURTHER ORDERED setting a Final Trial Management Conference on **November 5, 2021, at 9:00 a.m. (90 minutes allotted)**. The Pretrial Management Conference shall be governed by the Pretrial Management Orders issued this date.

COUNSEL WHO WILL BE THE LEAD TRIAL ATTORNEYS ON THE CASE
AND IF THE PARTIES ARE PRO PER, THEY ARE REQUIRED TO BE IN COURT FOR THE PRETRIAL MANAGEMENT CONFERENCE.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at 602.372.7876.

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.

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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. The Court will reject any pleadings that do not comply with the orders set forth below.

DUTIES BEFORE THE FINAL TRIAL MANAGEMENT CONFERENCE

MOTIONS IN LIMINE. Motions in *limine* shall be filed only in accordance with Rule 7.2, ARCP. Motions in *limine* shall be filed **thirty (30) days** before the FTMC; any responses to a motion in *limine* shall be filed no later than **ten (10) days** thereafter. Said motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972). If the Court wishes to hear argument, the argument will be heard at the FTMC. No replies shall be filed.

Motions in *limine* titles are expected to contain the identifying party, the type of motion, the number, and the specific subject to which the motion is addressing. For example, "Plaintiff's Motion in *Limine* No. 1 Re: Expert Witness". Unless prior written leave of Court is obtained for good cause shown, no party may file more than three (3) motions in *limine*, including all subparts and the motions shall be no more than three (3) pages in length. The parties shall not file motions denominated as "in *limine*" that are, in substance, late-filed motions for summary judgment.

MOTIONS: All motions, including but not limited to dispositive and *Daubert* motions, other than motions in *limine*, shall be filed according to the deadlines set in the Court's Scheduling Order. The deadline for any motion brought for a *Daubert* hearing or brought under ARIZ. R. EVID. 702, is the same as the dispositive motion deadline. Failure to file such a motion by the date in the Scheduling Order shall constitute a waiver of (1) any objection that the expert is not qualified to render expert testimony, and/or (2) any objection that any opinion of the expert should be excluded under ARIZ. R. EVID. 702.

JOINT PRETRIAL STATEMENT. The parties shall file with the court no later than **10 days before the Final Trial Management Conference** pursuant to Ariz. R. Civ. P. 16 (f), a Joint Pretrial Statement, signed by all counsel (and any self-represented party) and containing the following:

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.

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2. **List of Stipulated and Contested Issues.** The requirements of Ariz. R. Civ. P. 16(f)(2)(A),(B) and (C) shall be followed. Disputes over what issues are properly in the case will be decided under Rule 26.1.

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 a Final Trial Witness List, which must list each witness a party expects to call at trial (in person or by deposition), the day on which they expect to call that witness and the estimated testimony time of witnesses. 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)(2)(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. Deposition designations must be submitted to the Court at the same time the Joint Pretrial Statement is due. The court will resolve deposition designations as follows. Counsel 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.

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. At the time of the filing of the joint pretrial statement, the parties shall file and are required to provide the Court with a (CD), in word format, and a sanitized copy of:

1. An agreed-upon set of proposed preliminary and final jury instructions (*All case citations and RAJI references removed from the draft*); and
2. Proposed verdict forms, and voir dire questions and any additional jury instructions.

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3. In the event that the parties disagree on a particular jury instruction, both parties' proposed jury instruction shall be included in the draft proposed jury instructions with the notation "Disputed" in the name of the instruction.

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.

TIME ESTIMATES FOR TRIAL. Time Estimates for Trial attached hereto shall be submitted on the same date as the parties' Joint Pretrial Statement as ordered herein.

In the event evidence or testimony is objected to on the basis of non-disclosure, the parties should be prepared at trial to demonstrate compliance or non-compliance with Rule 26.1. This is usually done by showing the court disclosure statements, so those must be available in the courtroom.

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 time designated for trial and, if necessary, time limits.
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.

TRIAL EXHIBITS

IT IS ORDERED that on or before **November 22, 2021**, the parties shall deliver any exhibits they intend to use at the trial to the Clerk's Office.

Please submit the exhibits in 3-ring tabbed binders to the division on or before the date listed above. Please do not overfill the binders, as the rings cannot support a full binder, and you

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may be asked to assist the Clerk in placing the exhibits into additional binders that will be provided by counsel or parties.

Each exhibit must be separated by an Exhibit Slip Sheet to clearly identify individual exhibits. If exhibits are not clearly separated, they will be combined as one (1) document. The exhibits shall be accompanied by a written list with a brief description of each exhibit, (*bank statement, article, letter, email, etc.*). All exhibits must be clearly labeled by the parties to correspond with the list provided. If the following procedures are not complied with, exhibits may be rejected.

IT IS FURTHER ORDERED that the parties shall provide the Court with a bench copy of the exhibits in tabbed format in the same order as listed on the Clerk's official exhibit worksheet.

1. Exhibits will be marked consecutively Plaintiff(s) first and then Defendant(s);
2. **The clerk cannot reserve numbers for exhibits that will be provided at a later date;**
3. To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits;
4. Letter designations such as 5A, 5B, etc. shall not be used;
5. A colored sheet shall be placed between each exhibit with the exhibit number clearly marked on each colored paper; **(if you are submitting exhibits in a binder, no color paper is needed, just tabbed numbers)**
6. 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/hearing to be hand-filed by the clerk.
7. ****Each multiple page exhibit must be securely fastened together by staple or other means. **(unless you are submitting exhibits in a binder) NO PAPERCLIPS** may be used. If Acco fasteners are used they must be long enough to fasten securely.****

If counsel are submitting large charts, blow-ups or maps, please include a small version which can be marked as the exhibit and can go into the jury if in evidence.

Sample of List of Exhibits to be provided to the courtroom clerk:

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		EXHIBIT LIST	
Exhibit No.	Identified By	Description	Stipulated in Evidence/ Objection

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 are not offered into evidence at the evidentiary hearing will be destroyed following the hearing/trial, unless a party requests that the evidence be returned at the conclusion of the hearing. 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.

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

Estimate of Time for Witness Examination

PLAINTIFF'S WITNESS	IN PERSON OR BY DEPOSITION	DATE IF TESTIMONY	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION	TOTAL TIME FOR WITNESS

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DEFENDANT'S WITNESS	IN PERSON OR BY DEPOSITION	DATE IF TESTIMONY	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION	TOTAL TIME FOR WITNESS

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

Counsel for Plaintiff

Counsel for Defendant

9:32 a.m. Matter concludes.

****Counsel please review the information below****

Becoming familiar with the Court's requirements is *crucial*, failure to comply with any of the requirements can and will delay any resolution to the issue. The Court reserves the right to reject or hold in abeyance any motion that does not meet the requirements listed below or on the online profile. The Court also follows the guidelines that are required pursuant to the Arizona Rules of Civil Procedure and expects counsel and individuals representing themselves to do the same.

Counsel are encouraged to visit Judge Campagnolo's online profile for information on the Court's expectations regarding motion practices and requirements, discovery disputes, and hearing/trial procedures at the following website:
<http://www.superiorcourt.maricopa.gov/JudicialBiographies/judges/profile.asp?jdgID=327&jdgUSID=12118>

Pay particular attention to the following when submitting Motions:

Multiple Motions in One: This division requires that all motions, responses, replies and other pleadings in this case must be submitted individually. The parties shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

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Motions with Exhibits: Bookmarking and hyperlinking in pleadings is encouraged. See Rule 5.2(c)(3)(A), Ariz. R. Civ. P. All e-filed pleadings, including, but not limited to, summary judgment pleadings, that contain more than 5 exhibits shall contain bookmarks/hyperlinks to all exhibits attached to your pleading(s). All bookmarks/hyperlinks must be contained in your e-filed pleading in pdf format. The bookmarking/hyperlinking to exhibits is crucial, so that the Court can readily locate an exhibit without undue delay. The Court does not want hard copies of the exhibits, and the Court does not want the materials on thumb drive or email. DO NOT bookmark or hyperlink case citations. Any bookmarks/hyperlinks to any websites or the internet (e.g., Westlaw) will not work. Failure to provide the bookmarks/hyperlinks as required above will result in the issuance of a Minute Entry rejecting the pleading. The party will be required to efile a new pleading with proper bookmarking/hyperlinking no later than 14 days after the filing of the Minute Entry rejecting the original pleading. The Court reserves the right to disallow any pleadings that are not re-filed within 14 days. You may obtain further information on e-filing with bookmarks under Section 2.03(b) of the following webpage:

<https://efiling.clerkofcourt.maricopa.gov/efilingguidelines/#formattofileddocuments>

I am aware that some attempted bookmarkings/hyperlinkings may be unsuccessful due to software incompatibility with the Clerk's software, or because the documents' size exceeds the Clerk's capacity. In those situations, upon the filing of a notice to that effect signed by the party's attorney, the bookmarked/hyperlinked document may be submitted to the Court on a CD.