

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-012376

11/03/2025

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
A. Walker
Deputy

BEARDSLEY HOLDINGS INC, et al.

DANIEL P BEEKS

v.

COLONY BILTMORE-GREENS
HOMEOWNERS ASSOCIATION INC, et al.

JOHN T CROTTY

JUDGE KREAMER

TRIAL SETTING

East Court Building – Courtroom 811

8:45 a.m. This is the time set for a Status Conference to set trial. Plaintiffs, Beardsley Holdings, Inc. and INBS, Inc., are represented by counsel, Daniel P. Beeks. Defendant, Colony Biltmore-Greens Homeowners' Association, is represented by counsel, John T. Crotty. Tyron Kindor, client representative for plaintiffs Beardsley Holdings, Inc. and INBS, Inc. is also present. All parties appear virtually.

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

Case status and scheduling are discussed.

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IT IS ORDERED setting a 4-day Jury Trial on **April 6, 2026 at 9:00 a.m.** before:

HONORABLE JOSEPH KREAMER
JUDICIAL OFFICER OF THE SUPERIOR COURT
EAST COURT BUILDING
COURTROOM 811
101 W. JEFFERSON
PHOENIX, AZ 85003
(602) 372-1764

This is a FIRM TRIAL setting. **Trial days will be April 6, 7, 8, and 9, 2026.**

Trial days are normally 9:00 a.m. to 4:30 p.m., Monday through Thursday, with lunch from 12:00 p.m. to 1:30 p.m.

IT IS FURTHER ORDERED that a Final Trial Management Conference (FTMC) is set for **March 6, 2026 at 10:30 a.m. (time allotted: 1-1/2 hour)** in this division. Trial counsel shall appear **in person** for the conference. Any self-represented party shall appear in person for the conference. This minute entry order sets forth tasks that must be completed by trial counsel. Self-represented litigants are responsible for completing the tasks assigned to “counsel.”

IT IS FURTHER ORDERED setting an in-person Status Conference rearding the juror questionnaire responses on **April 3, 2026 at 1:30 p.m. (time allotted: 1 hour).**

8:53 a.m. Hearing concludes.

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TRIAL PREPARATION INFORMATION AND ORDERS

Motions to Use or Preclude Late-Disclosed Evidence:

Motions to exclude evidence at trial as a sanction for failure to timely disclose (Rule 37(c)(1)) and motions for permission to use late-disclosed evidence (Rule 37(c)(3)) must be made as soon as practicable after the moving party becomes aware of the issue. The failure to raise disclosure issues promptly may be taken into account in determining whether there is “good cause” for allowing the non-disclosing party to use the evidence notwithstanding late disclosure.

Joint Pretrial Statement:

A Joint Pretrial Statement (JPTS) must be filed no later than **5:00 p.m. February 27, 2026**. In addition to what Ariz.R.Civ.P. 16(g) requires, counsel shall discuss and prepare the following to be filed at the same time as, or included in, the JPTS:

- A. Any proposed jury questionnaire; or non-standard *voir dire* questions, if any, that a party will ask the Court to ask the panel.
- B. A completed Witness Information Form (attached), listing all witnesses each party intends to call at trial in the order of presentation, together with the estimated time for direct, cross, and redirect examinations, *voir dire*, opening statements and closing arguments. If there are multiple parties on the same side represented by different attorneys, each party represented by a different attorney must fill out his/her own time estimates. The Court will use this information to manage the trial presentation, but Court will not keep specific track of time unless asked to do so.
- C. A joint set of agreed-upon jury instructions and verdict forms; and separate sets of any requested instructions that have not been agreed upon. Revised Arizona Jury Instructions (Civil) may be listed by name and number, e.g.:

RAJI Preliminary 1 - - Duty of Jurors
RAJI Standard 2 - - Burden of Proof
RAJI Negligence 1 - - Violation of Statute

NON-RAJI INSTRUCTIONS must be typed in Word format, numbered consecutively, one per page, with legal authority to support the instruction, and sent to the Court’s Judicial Assistant, Katy Snyder, at katy.snyder@jbazmc.maricopa.gov.

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- D. A preliminary jury instruction or instructions stating the elements of the plaintiff's claim(s), and any other matters necessary to orient the jurors for the presentation of evidence (e.g., affirmative defenses that the parties agree the jury will have to consider), to be presented to the jury under the heading of Claims Made and Issues To Be Proved.
- E. A brief *non-argumentative* case summary to be read to the jurors in *voir dire*.
- F. For any witness whose recorded or transcribed deposition testimony is likely to be presented at trial other than for impeachment, designations, by transcript page and line numbers, of the testimony that the proponent will offer; counter-designations of testimony that any other party believes also ought in fairness to be introduced, pursuant to Ariz.R.Civ.P. 32(a); and objections to the admission of any designated testimony, specifying the testimony to which objection is made and the legal basis for such objection. The designations shall be marked on a complete copy of the transcript, which the Clerk will preserve for the record. Each party shall highlight that party's designations and counter-designations in one distinctive color, and hand-write or print objections directly on the transcript adjacent to the objected-to testimony. **Any objection not so included may be deemed waived.** The parties will be permitted to make late designations in the event that a witness unexpectedly becomes unavailable to testify at trial, provided that the opposing party is promptly notified and the designations are submitted to the Court at the earliest practicable opportunity. Since jurors generally prefer narrative summaries or brief excerpts of questions and answers, the parties are encouraged to confer and prepare agreed-upon summaries in lieu of designated testimony.
- G. A list of all marked exhibits containing a brief, neutral (non-argumentative) description of each exhibit. If you are using the Case Center app, you will be creating this list as you upload your exhibits in the form of electronic files.

The parties may (but are not required to) submit written legal arguments or memoranda, incorporated into the JPTS or filed separately, addressing any legal issue on which the parties want a pretrial ruling or that they expect to be central to the presentation of the case. A party that expects to file such written legal argument or memorandum must give written notice to the opposing party or parties ten business days in advance of the filing unless the Court ordered or authorized the filing at a hearing at which all parties were present.

At the Final Trial Management Conference, counsel who will try the case shall appear and be prepared to discuss and resolve:

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- A. Allocation of trial time among the parties and, if appropriate, presumptive time limits for *voir dire*, opening statements, witness examinations, and closing arguments;
- B. *Voir dire* procedures, including preparation and presentation of a questionnaire if requested;
- C. Stipulations regarding witness testimony and the admission of exhibits;
- D. Preliminary jury instructions, juror notebooks, and verdict forms;
- E. Publication of exhibits and use of demonstrative materials during opening statements;
- F. Scheduling, equipment, or interpreter issues;
- G. Status of settlement negotiations;
- H. Motions *in limine*; and
- I. Other matters addressed in the JPTS.

Counsel shall present **original** depositions for filing at the same time they present exhibits. Original depositions are provided to the Clerk for the record and **are not** marked as exhibits.

Motions in Limine:

The purpose of a motion *in limine* is to obtain a pretrial ruling on evidentiary disputes, to avoid exposure of the jury to unduly prejudicial evidence. *State ex rel. Berger v. Superior Court*, 108 Ariz. 396, 397 (1972). **The Court generally will not entertain “motions in limine” in which the proponent requests a ruling on a matter of law (such as the adequacy of a claim or defense) that would render the evidence at issue irrelevant.** Such motions ordinarily should be framed as motions for summary judgment and filed before the dispositive motion deadline.

1. Number of Motions in Limine, Page Limit and Format: Unless the Court ordered otherwise at the Trial Setting Conference, each “side” is presumptively limited to **three motions in limine**; and motions *in limine* and responses are presumptively limited to **three pages each**, excluding the caption and the mailing certificate. Permission to exceed these presumptive limits must be expressly granted by the Court in advance. Motions *in limine* shall be titled in a manner that identifies the party filing the motion and the subject of the motion (e.g., “Defendant’s Motion

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in *Limine* No. 1 Re: Insurance Agreement”). Each motion shall deal with one discrete subject; and each response shall address only one motion.

2. Meet and Confer: Prior to filing any motion *in limine*, the parties through counsel must meet and confer to attempt to resolve issues to be raised by such motions. Ariz. R. Civ. P. 7.2 (a). The motions must include, or be filed with, a certification that counsel have conferred.

3. Substance: Any motion *in limine* or response to such a motion should begin with a simple declarative sentence that identifies the evidence that is the subject of the motion. The remainder of the motion or response should then explain why irreparable prejudice or reversible error is likely to result if the motion is denied, preferably with citations to authority that have reached the same conclusion in the same or similar circumstances. If the motion is unable to explain why its denial would result in irreparable prejudice or reversible error, the motion must demonstrate persuasively what efficiency, economy, or other benefit is to be gained by granting the motion.

4. Deadlines: All motions *in limine* must be filed at least **10 business days** before the final pretrial management conference and immediately delivered electronically to the opposing party. Responses must be filed **5 business days** before the final trial management conference. No replies may be filed except with permission of the Court.

EXHIBIT REQUIREMENTS

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

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 at katy.snyder@jbazmc.maricopa.gov or 602-372-1764. Unless otherwise ordered, **Exhibits must be submitted no later than 3:00 p.m. on March 30, 2026.**

Do not number your exhibits. Case Center will automatically number each exhibit as it is added into the system.

Do not include cover sheets for your exhibits. This is no longer necessary when using Case Center.

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Use simple and generic names when identifying your exhibits. Any suggestive or inappropriately named exhibit will be renamed by the Clerk.

Do not add sub-categories to your exhibits. Each exhibit should be uploaded individually and be given a separate and distinct number in Case Center.

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 email each party (or their attorney of record) a case-specific Case Center link that the party will use to upload exhibits. **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.

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 azcourts.gov/Portals/0/222/TrainingVideos/Invitation-CaseList-CaseFilter-3-2-2022.mp4. 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.

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

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Support Services at (602) 452-3519 (option 5) or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM, excluding State holidays.

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.

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.

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.

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, the parties may request access to MC Sponsored 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. You can also use your wireless device to create a WiFi “hotspot”.

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 (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.

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

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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.

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/media/30ylnjsa/ao2024-080-re-use-of-case-center-in-the-civil-department.pdf> for additional information regarding Case Center.

Court Reporters and Recordings:

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. The Court cannot guarantee that a court reporter will be available. In that event the parties may furnish a court reporter at their own expense, with advance permission from the Court.

Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the Self-Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self-Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please email Electronic Records Services at ers@JBAZMC.maricopa.gov.**

Miscellaneous Issues:

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Requests for an interpreter must be made at least two weeks prior to the scheduled hearing date. The Court may not be able to accommodate late interpreter requests.

Pursuant to Arizona Supreme Court Administrative Order, trials and evidentiary hearings are presumptively presented in person in this Division's courtroom, not by videoconference. If you intend to present a witness or witnesses by live videoconference, you must notify the Court and opposing counsel far enough in advance to allow time for objections to be heard and to ensure that the courtroom will be set up for the presentation. **The Court may exercise its discretion to deny requests for videoconference testimony made for the first time on the day of the trial or hearing.**

If you are not familiar with this Division's courtroom technology, please make an appointment at least one week prior to your trial or hearing with the Courtroom Assistant, Kimberly Churchill, via email at kimberly.churchill@jbazmc.maricopa.gov, to familiarize yourself with the equipment and make sure that you are able to connect it with your own electronic devices. You will be responsible for operation of the courtroom technology during trial. Please do not assume that court staff will be available to assist you.

Preferred communication with this Division is via email to the Judicial Assistant, Katy Snyder, at katy.snyder@jbazmc.maricopa.gov. We are able to respond much quicker to an email. Please make sure you endorse all parties involved in the case. Please also send courtesy copies of all filings immediately before and during the trial to this email address to avoid delay in reaching the Court.

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WITNESS INFORMATION FORM

Counsel should anticipate no more than five hours of presentation time each day, to account for bench conferences and breaks. The Court will typically use one to two hours for its portion of *voir dire* and to read jury instructions. Adequate time must be reserved for jury deliberations -- generally at least a full half-day except for short, simple trials.

WITNESSES FOR PLAINTIFF:

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

PLAINTIFF'S TOTAL WITNESS TIME ESTIMATE: _____

WITNESSES FOR DEFENDANT:

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

DEFENDANT'S TOTAL WITNESS TIME ESTIMATE: _____

TIME ESTIMATE FOR:	PLAINTIFF(S)		DEFENDANT(S)
VOIR DIRE			
OPENING STATEMENT			
CLOSING ARGUMENT	1 st :	2 nd :	

PLAINTIFF'S TOTAL TIME ESTIMATE: _____

DEFENDANT'S TOTAL TIME ESTIMATE: _____