

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-001666

12/17/2018

HON. ROSA MROZ

CLERK OF THE COURT
D. Charbagi
Deputy

ESTATES AT SIERRA VISTA COMMUNITY
ASSOCIATION

CHANDLER W TRAVIS

v.

STEVE H VIGIL JR., et al.

STEVE H VIGIL JR.
3116 W DESERT LN
LAVEEN AZ 85339

MICHELE N VIGIL
3116 W DESERT LN
LAVEEN AZ 85339
JUDGE MROZ

MINUTE ENTRY

ECB - Courtroom 414

9:00 a.m. This is the time set for a Telephonic Trial Setting Conference. Plaintiff, Estates at Sierra Vista Community Association is represented by counsel, Chandler W. Travis. Defendant, Steve H. Vigil, Jr. and Michele N. Vigil are preset on their own behalf. All parties' appear telephonically.

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

Discussion is held regarding setting a trial in this case.

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IT IS ORDERED setting this matter for a **Trial to the Court** on **January 16 and January 17, 2019 at 9:30 a.m. (time allotted: 2 full day/s)** in this Division, before:

The Honorable Rosa Mroz
Maricopa County Superior Court
East Court Building, Fourth Floor
101 West Jefferson, Courtroom 414
Phoenix, AZ 85003
Phone: (602) 372-0384

Trial time will be divided equally between the parties.

Trial is held from 9:30 a.m. to 4:30 p.m., Mondays through Thursdays. The Court will take two 15 minute recesses, one in the morning and one in the afternoon. The lunch recess will be from noon to 1:30 p.m. Each trial day is budgeted to be 4.5 hours of actual in court time, exclusive of breaks and bench conferences. The Court uses a timer to keep track of your time. When you are out of time, you are out of words. **Each side is allotted 4.5 hours of time.**

**PRETRIAL STATEMENT &
DUTIES PROR TO FINAL TRIAL MANAGEMENT CONFERENCE**

IT IS ORDERED as follows:

That the parties shall file a Joint Pretrial Statement no later than **January 11, 2019**. The statement shall briefly identify the issues, the witnesses, and a summary of the witnesses' testimony.

Counsel shall attempt to agree on the admission of as many exhibits as possible. Counsel shall contact the courtroom clerk, Diana Charbagi, at **602-506-8806** to schedule a time to deliver exhibits. Counsel shall present all exhibits with a list of exhibit descriptions to the courtroom clerk no later than **12:00 p.m. (noon) on January 7, 2019** along with a brief description of each exhibit. Separate exhibits by a colored sheet of paper with the exhibit number written on front. Do **not** skip numbers, or describe exhibits as "blank" or "withdrawn"; do not "reserve" numbers for items not submitted to the clerk. Do not submit exhibits with subparts (e.g. exhibit 1a, 1b, 1c). Staple or otherwise secure each individual exhibit so that pages do not become separated

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

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Findings of Fact and Conclusions of Law: Any party who requests Rule 52 Findings of Fact and Conclusions of Law shall file a written request no later than thirty (20) days prior to trial. A party who makes this request shall file Proposed Findings of Fact and Conclusions of Law no later than seven calendar (7) days after the trial concludes, unless otherwise ordered by the Court. In addition to filing the Proposed Findings of Fact and Conclusions of Law, an electronic version in Word or Word-compatible format shall be provided to the Division's Judicial Assistant via email. If Proposed Findings of Fact and Conclusions of Law are not filed as ordered, the request shall be deemed waived.

IT IS FURTHER ORDERED that all witness affidavits and expert reports in lieu of testimony must be exchanged and copies filed and lodged with this division no later than January 11, 2019. The witness must be available to testify at the time of the hearing. Counsel shall identify the witnesses and a brief description of their testimony. Each side is limited to three (3) witness affidavits, the affidavits are limited to 10 pages each. Uncontroverted witnesses are not required to be present at the time of hearing set herein.

DUTIES PRIOR TO TRIAL

To the extent that these orders are inconsistent with any order that has been entered by this Court in this matter, including any scheduling order, this minute entry controls and the inconsistent language in any such previous order is vacated.

Discovery Disputes:

The Court follows the procedure set forth in Rule 26(d) in resolving discovery disputes.

Miscellaneous Issues:

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 two weeks prior to your hearing date.

Trial time will be divided between Plaintiff and Defendant. "When you are out of time, you are out of words."

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If you are not familiar with this division's electronic equipment, please make an appointment with this division's bailiff, Markus Taylor, via email at taylorm011@superiorcourt.maricopa.gov, to test the equipment at least one week prior to your hearing.

Preferred communication with this division is via email to the judicial assistant, Sandra Nageotte, at nageottes@superiorcourt.maricopa.gov. We are able to respond much quicker to an email. Please make sure you endorse all parties involved in the case.

Please take the time to review the full protocol for Judge Mroz on the Maricopa County Superior Court website.

9:08 a.m. Matter concludes.

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney. **The law requires the court to hold all persons representing themselves to the same standard as a licensed attorney.** Self-represented litigants are encouraged to review the Arizona Rules of Civil Procedure, paying particular attention to Rule 26. Please note that **only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.** *Ramada Inns v. Lane & Bird Advertising*, 102 Ariz. 127, 426 P.2d 395 (1967).

Before the judge can consider anything you send her, you must show her that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the clerk's job to keep an independent record of everything that happens at the court. The court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This is so all parties have a fair chance to tell the judge what they think before he makes a decision.

Because of that, if you want the judge to consider something you send her, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this division (that is, to the judge, using her specific courtroom address)

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HONORABLE JUDGE ROSA MROZ
101 W. JEFFERSON
4TH FLOOR, COURTROOM 414
PHOENIX, AZ 85003
602-372-0384

and mail or deliver a copy to all opposing parties. In addition, on each document you must include a signed certificate that says whether you mailed or hand delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand delivered each copy. If a party is represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed orders submitted to this division must include copies of the order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the clerk or other parties to the judge.

If you want to file papers with the Clerk of the Court by mail, please send them to:

Clerk of the Superior Court's Office
Civil File Counter
201 W. Jefferson
Phoenix, AZ 85003

The clerk's guidelines for filing by mail can be found at:

<http://www.clerkofcourt.maricopa.gov/filing-by-mail.asp>

If you are not represented by a lawyer you must contact this division immediately and give us a current address and telephone number. If your address or phone number changes in the future, you must file a notice of change of address/phone number. That form can be downloaded at no charge from the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>