

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-015684

05/27/2021

HONORABLE JAMES D. SMITH

CLERK OF THE COURT  
K. Treftz  
Deputy

EDET EFFIONG ASUQUO

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1701 W TUCKEY LN # 201  
PHOENIX AZ 85015

v.

LA FUENTE CONDOMINIUM ASSOCIATION      JONATHAN S WALLACK

JUDGE J. SMITH

MINUTE ENTRY

The Court considered Plaintiff's Appeal to Broaden Case and Settlement Conference by Including Defendant's two Improper Maintenance Performed on HVAC on September 2015 (filed 04/30/2021).

The most charitable interpretation of Plaintiff's submission is a request to amend his complaint. But his submission does not comply with Arizona Rule of Civil Procedure 15. What is more, Plaintiff conceded in his reply (at 1:28-34): "As a matter of fact, the new issues are unrelated to, and must be divorced, from the issue at bar: they must stand alone on their merits. In order to accommodate the new dynamics, a new case filing is required." The Court agrees. Plaintiff may raise the latest allegations in a complaint as part of a new action. But it is too late to raise them here. Discovery closed long ago and the case is set for trial August 23, 2021.

If a judge pro tempore wants to discuss additional matters with the parties as part of trying to settle the case, then he/she is free to do so. The Court, however, will not compel the judge pro tempore or the parties to discuss claims that are not part of this litigation.

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**IT IS ORDERED** denying Plaintiff's Appeal to Broaden Case and Settlement Conference by Including Defendant's two Improper Maintenance Performed on HVAC on September 2015 (filed 04/30/2021).