

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-015684

06/17/2021

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 received Defendant's Motion to Enforce Settlement Agreement (filed 06/16/2021). Although Defendant filed that Motion June 16, this division did not receive it until the afternoon of June 17. Such delay is typical for electronically-filed documents.

Defendant pointed to a facially plausible settlement agreement, although the Court understands that Plaintiff disputes an enforceable agreement exists. Nonetheless, it would waste the parties' and the Court's resources to simultaneously prepare for trial and resolve a dispute about the possible settlement. The more prudent action is to vacate the trial and use one of the trial dates for a possible evidentiary hearing if needed. If the Court agrees with Plaintiff that no enforceable settlement agreement exists, then the Court will reschedule the trial.

**IT IS ORDERED** vacating the status conference June 21 at 11:00 a.m., the trial management conference July 23 at 10:00 a.m., and the trial August 23-25.

**IT IS FURTHER ORDERED** setting an in-person evidentiary hearing on the Motion to Enforce Settlement Agreement **August 23, 2021, from 9:30 a.m. until 4:30 p.m.** The Court may

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vacate this hearing if it concludes from the parties' written submissions that a hearing is not needed or if the parties stipulate that a hearing is not needed.

Plaintiff will respond to Defendant's Motion by July 6, 2021, which is the standard 10 business days plus mail time. Defendant must file any reply in the ordinary course based on the date and method of Plaintiff serving his response. Briefing will be complete after Defendant files a reply. The Court will strike any supplemental submissions after the reply if the filing party did not request and receive Court approval in advance.

**IT IS FURTHER ORDERED** all Exhibits to be offered at the hearing shall be delivered before **3:00 p.m. on August 16, 2021**. For exhibit submission, please visit, <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>. The webpage will provide instructions and guidance as well as locations for in-person submission of exhibits. Exhibit Guidelines for this division are attached herein.

**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.

**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 up to three hours and \$280 for any hearing in excess of three hours. This fee does not include preparation of transcripts.

ATTACHED: Exhibit Guidelines

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**EXHIBITS GUIDELINES**

1. Exhibits will be marked consecutively. *The Clerk cannot reserve numbers for exhibits that will be provided at a later date.* Any missing Exhibits will not be considered and the numbers of all following Exhibits will be moved up. If Defendant's Exhibits are received prior to Plaintiff's Exhibits, the Clerk may mark them first.
2. Original 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 to be hand-filed.
3. Do not submit duplicate Exhibits, **it is essential that counsel confer to avoid submitting duplicate Exhibits.**
4. If large charts or blow-ups are anticipated to be used, please include a small version (or photo) which can be marked as the Exhibit. The charts and blow-ups are used for demonstrative purpose only, are not marked, and are returned to counsel.
5. Each multiple page exhibit **MUST** be securely stapled, binder clipped (only if staple does not hold), or secured with a paper file fastener. Binders are acceptable only if none of the above can securely hold the Exhibit. **DO NOT use paper clips or submit loose sheets of paper.**
6. Do not put numbers on the Exhibits themselves; instead, **use a Number Tab Divider.** Place the divider in front of each Exhibit, however, **DO NOT staple or paper-clip it to the Exhibit itself** (this should be the only loose item).
7. Counsel are to provide a workable list of Exhibits. The list should include a title or description of each Exhibit. (See blank sample of the following table as a reference).

Exhibit No.	Identified By	Description <i>Should be verifiable when viewing the first page of the exhibit</i>

8. A USB with the Exhibits shall also be provided for the Court's use during trial.
9. **The parties are strongly discouraged from marking Exhibits they do not anticipate offering during trial.**

For additional assistance in preparation of Exhibits contact the courtroom clerk at: **(602) 372-1153.**