

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-015684

06/29/2021

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 scheduled an evidentiary hearing August 23, 2021, at 9:30 a.m. to resolve the disagreement about a putative settlement agreement. Participants must attend in-person.

IT IS ORDERED:

- The deadline to disclose documents and witnesses for the evidentiary hearing is 5:00 p.m. July 23, 2021. The Court will prohibit a party from using documents or witnesses that party does not timely disclose.
- A joint prehearing statement is due by 4:00 p.m. August 13, 2021. Both sides must cooperate fully to complete this joint document.
- Parties must deliver exhibits to this division by 3:00 p.m. August 16, 2021. The Court will exclude exhibits not timely delivered.

The point of this hearing is only to determine if an enforceable settlement agreement exists. The Court is not evaluating the merits of the underlying dispute about repairs and maintenance at the condominium. Defendant moved to enforce the asserted settlement agreement,

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and Plaintiff recently responded to that motion. Defendant is entitled to file a reply; briefing on the topic will then be complete.

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.**