

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2025-002634

05/22/2025

HONORABLE JENNIFER RYAN-TOUHILL

CLERK OF THE COURT
C. Lacey
Deputy

THOMAS J GUSICH

JONATHAN A DESSAULES

v.

SUN CITY GRAND COMMUNITY
ASSOCIATION INC

LAUREN ELLIOTT STINE

DAVID ERIC WOOD
CURTIS S EKMARK
DANIEL G ROBERTS
JUDGE RYAN-TOUHILL

MINUTE ENTRY

Prior to the commencement of the hearing, Plaintiff's exhibits 1 through 22 and Defendant's exhibits 1 through 23 are submitted electronically.

East Court Building - Courtroom 414

10:05 a.m. This is the time set for an Evidentiary Hearing. Plaintiff, Thomas J. Gusich, who is present, is represented by counsel, Jonathan A. Dessaulles, David E. Wood, and Curtis S. Ekmark. Defendant, Sun City Grand Community Association, is represented by counsel, Lauren E. Stine, Daniel G. Roberts, and Jack Contrera.

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

Discussion is held regarding Nancy M. Collins' Motion to Quash Witness Subpoena, filed May 19, 2025.

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Counsel agree on the record to release Nancy M. Collins as a witness in this matter. Therefore,

IT IS ORDERED granting the Motion and releasing Nancy M. Collins from her subpoena.

The Rule of Exclusion of Witnesses is invoked.

10:10 a.m. The Court and counsel confer in chambers. Court stands at recess.

10:13 a.m. Court reconvenes with respective parties and counsel present.

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

The Court provides a summary of the bench conference. The Court and counsel discussed possible ethical concerns regarding Mr. Wood's testimony at the evidentiary hearing while representing Plaintiff.

Discussion is held regarding pretrial disclosure and the potential requirement for a custodian of records. The parties, as officers of the court, stipulate to Defendant's electronic delivery of records regarding the petition and accompanying emails.

The Court declines to discuss or decide admissibility beyond foundation for record disclosure.

For reasons stated on the record,

IT IS ORDERED continuing this Evidentiary Hearing to **July 24, 2025 at 10:00 a.m. (2 hours allotted)** in this Division.

IT IS FURTHER ORDERED setting Oral Argument on Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, filed April 9, 2025, on **June 24, 2025 at 10:00 a.m. (1 hour allotted)** in this Division. Counsel and the parties, if representing themselves, shall appear in person before:

The Honorable Jennifer Ryan-Touhill
Maricopa County Superior Court
East Court Building
101 W. Jefferson
4th Floor, Courtroom 414

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Phoenix, AZ 85003
Phone: 602-372-0920

Oral argument shall be limited to 1 hour with the time divided equally between the sides.

The Court advises the parties that its ruling on the Motion to Dismiss is likely to issue well in advance of the Evidentiary Hearing date.

10:48 a.m. Matter concludes.

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 a half-day and \$280 for a full day.

JPR NOTICE

The Arizona Constitution requires the Arizona Commission on Judicial Performance Review to conduct performance evaluations of superior court judges. The Commission is asking for your help to evaluate Maricopa County Superior Court judges currently undergoing performance review. After your hearing, if the judge you are in front of is undergoing review, a survey will either be given to you by court staff or will be emailed to you and you can take the survey online. The survey is conducted by the Docking Institute of Public Affairs at Fort Hays State University and is anonymous and confidential. Your participation in the review process is important! More information on Judicial Performance Review can be found at azjudges.info.

La Constitución de Arizona exige que la Comisión de la Evaluación del Desempeño Judicial realice evaluaciones de desempeño de los jueces de los tribunales superiores. La comisión pide su ayuda para evaluar a los jueces del Tribunal Superior del Condado de Maricopa a quienes actualmente se les está evaluando su desempeño. Después de su audiencia, si el juez frente a usted está siendo revisado, el personal de la corte le entregará una encuesta o se le enviará por correo electrónico y usted puede realizar la encuesta en línea. La encuesta es realizada por el Docking Institute of Public Affairs de la Fort Hays State University y se mantiene anónima y confidencial. ¡Su participación en el proceso de la evaluación es importante! Para obtener más información sobre la evaluación del desempeño judicial, diríjase a azjudges.info.