Clerk of the Superior Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005545 01/02/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
J. Paul
Deputy

SHEILA JANISCH

FRANK M FOX

v.

SCOTTSDALE MOUNTAIN COMMUNITY ASSOCIATION

CHARLES H OLDHAM

JUDGE MCDOWELL

ACTION REQUIRED

Pending before the Court is Plaintiff's May 14, 2025 *Motion Requesting Appointment of a Discovery Master;* Defendant's June 3, 2025 *Response and Objection to Plaintiff's Motion Requesting the Appointment of a Discovery Master* (a duplicate of this Response was filed June 6, 2025); and the November 24, 2025 *Plaintiff's Reply in Support of Motion to Appoint Discovery Special Master.*

In Defendant's December 19, 2025 *The Association's Notice of Pending Motions and Matters for the Court's Consideration* Defendant indicates the parties "do not dispute" the appointment of a discovery special master. The December 19, 2025 *Plaintiff's Notice of Pending Motions and Matters for the Court's Consideration* indicates the parties agree on the need for a special master but do not agree to the allocation of costs. They also apparently do not agree to a particular individual and in Defendant's December 19, 2025 *Notice of Lodging* they identify six potential individuals who could serve as discovery masters, but the parties have not determined availability of those individuals.

Considering the length of time this case has been progressing, the Court is concerned about the cost of the special master and the availability of these proposed special masters. The Court suggests the parties contact Judge (ret.) Aceto, Judge (ret.) Fields, and Judge (ret.) Campbell to determine their hourly rates and availability.

The Court reviewed digital recording of the December 4, 2025 hearing before Judge Moskowitz. He indicated the cost of the special master would be allocated equally subject to reallocation by the Special Master. This Court believes that is a fair method of allocating fees and permits the Special Master to allocate fees to the party responsible for the dispute.

IT IS ORDERED on or before **January 16, 2026** Defendant shall file its response to Plaintiff's motion to allocate the special master costs and the parties shall advise the Court of the availability and rates of the proposed special masters.