Clerk of the Superior Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005545 03/10/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
A. Patel
Deputy

SHEILA JANISCH

FRANK M FOX

v.

SCOTTSDALE MOUNTAIN COMMUNITY ASSOCIATION, et al.

CHARLES H OLDHAM

BILL DUBE
NO ADDRESS ON RECORD
YURI ELLIS
NO ADDRESS ON RECORD
TOM MCVAY
NO ADDRESS ON RECORD
LONNIE MUTO
NO ADDRESS ON RECORD
JUDGE MCDOWELL

RULING ON DISPUTE OVER DISCOVER TIER

Pending before the Court is the January 26, 2026 *Plaintiff's Motion to Reassign Case to Tier 3;* the February 17, 2026 *Scottsdale Mountain Community Association's Motion (sic) in Opposition to Plaintiff's Motion to Reassign Case to Tier 3;* and the February 26, 2026 *Plaintiff's Reply in Support of Motion to Reassign Case to Tier 3.*

The Court finds this case is logistically and legally complex because of the number of allegations made, the number of individuals involved, the dual role of many of the named defendants and the need to determine the role in which any particular defendant was acting at any particular time, etc.

IT IS ORDERED certifying this case as a Tier 3 case pursuant to Rule 26.2.

The Second Amended Complaint asserts new allegations and includes new defendants. Discovery as to those new allegations and new defendants presumably has not yet begun.

IT IS ORDERED the parties shall conduct and early meeting as to the new allegations and new defendants and shall submit a joint report and proposed scheduling order no later than **March 31, 2026.** The parties are **NOT** permitted to include a brief description of the case or any description of the causes of action. The parties shall adhere to the format in Form 11(a) of the Civil Rules. Any optional summary of the Rule 16(b) Early Meeting is limited to **ONE** page of text per party.

The parties are forewarned, the Court will strictly enforce the disclosure and discovery rules. Disclosures MUST contain everything specified in Rule 26.1. A party who files to make proper disclosure risks having evidence, witnesses, damages, claims, etc. precluded from use at trial.

In the Reply, Plaintiff requested an evidentiary hearing to address the "forensic data disputes". There is a special master appointed in this case to address discovery disputes. The "forensic data dispute" should be addressed to him, not the Court

The parties are advised to read Rule 30 related to depositions. Plaintiff appears to be under the impression that witnesses can be deposed, witnesses cannot be deposed without agreement or leave of court.