Clerk of the Superior Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005545 06/15/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
A. Patel
Deputy

SHEILA JANISCH

FRANK M FOX

v.

SCOTTSDALE MOUNTAIN COMMUNITY ASSOCIATION, et al.

EDEN COHEN

JUDGE MCDOWELL

REJECTION OF DISCOVERY RELATED FILINGS

The Court is in receipt of Plaintiff's June 8, 2026 *Plaintiff's Urgent Motion to Compel Discovery and for Sanctions.* As the court has indicated several times previously, there is a Special Discovery Master in this case. This issue needs to be raised with him and if, and only if, he seeks the court's intervention should the parties return here. Even if there was no discovery special master the court would not consider this motion because this Motion does not comply with Rule 26(d), Ariz.R.Civ.Proc..

IT IS ORDERED rejecting the Plaintiff's June 8, 2026 *Plaintiff's Urgent Motion to Compel Discovery and for Sanctions* as improper in light of the order appointing a Special Master.

The Court is also in receipt of the June 8, 2026 *Defendants' Reply in Support of Motion to Quash Plaintiff's Subpoenas Duces Tecum to Former Board Members and Brown Management.* Again, a Special Discovery Master has been appointed in this case. This document should be provided to him, not the Court.

If the parties are filing these documents to preserve a record for appeal – their filings should be designated as "Notice of Filing for Appeal" and then attach the motion/response submitted to the Discovery Master.

IT IS ORDERED rejecting the June 8, 2026 *Defendants' Reply in Support of Motion to Quash Plaintiff's Subpoenas Duces Tecum to Former Board Members and Brown Management* because the issue it raises is within the scope of authority of the Special Master.

The Court also received Plaintiffs June 10, 2026 *Plaintiff's Sur-Reply in Opposition to Defendants' Motion to Quash Subpoena to Former Board Members and Brown Management.* This filing is improper because (1) sur replies are not permitted under the Civil Rules and Plaintiff failed to seek authority to file this, and (2) this filing relates to a discovery dispute which is within the authority of the Special Discovery Master.

IT IS ORDERED rejecting the June 10, 2026 *Plaintiff's Sur-Reply in Opposition to Defendants' Motion to Quash Subpoena to Former Board Members and Brown Management.*