

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2020-013607

08/13/2021

HON. PAMELA GATES

CLERK OF THE COURT  
S. Ortega  
Deputy

MARICOPOLY L L C

KYLE A KINNEY

v.

TIERRA SANTA COMMUNITY  
ASSOCIATION INC, et al.

EMBER ANN VAN VRANKEN

CHAD M GALLACHER  
EDITH I RUDDER  
JUDGE GATES

MINUTE ENTRY

East Court Building – Courtroom 912

11:31 a.m. This is the time set for oral argument regarding Plaintiff's May 21, 2021 Rule 56(d)(1)(a) Motion to Continue Defendants' Motion to Dismiss as Treated as a Motion for Summary Judgment. Plaintiff Maricopoly LLC is represented by counsel, Kyle Kinney. Defendant Tierra Santa Community Association Inc. is represented by counsel, Edith Rudder and Ember Ann Van Vranken. Defendants Maxwell & Morgan PC and Rod Sauaia are represented by Chad Gallacher. Counsel appear virtually through Court Connect.

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

Argument is presented.

For the reasons stated on the record,

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**IT IS ORDERED** granting Plaintiff's Motion to Continue and allowing Plaintiff a limited opportunity to conduct the deposition of Austin Slade. Plaintiff shall depose Austin Slade within the next **thirty (30) days**.

**IT IS FURTHER ORDERED** that Plaintiff shall file its response to Defendant Maxwell Morgan's Motion to Dismiss Pursuant to Rule 12(b)(6), ARCP (To Be Treated as a Motion for Summary Judgment) no later than **October 12, 2021**.

Plaintiff requests to be able to send written discovery prior to taking the depositions.

For the reasons stated on the record,

**IT IS FURTHER ORDERED** denying Plaintiff's request to obtain written discovery prior to or in conjunction with the deposition.

Further discussion is held regarding the deposition and briefing schedule. If counsel are unable to agree on available dates for the depositions, they may contact the court for further assistance.

11:55 a.m. Hearing concludes.