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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 COLETTE MCNALLY, an individual,)
10 Plaintiff,) Case No. CV2014-009496
11 vs.) **JOINT REPORT**
12 SUN LAKES HOMEOWNERS ASSOCIATION #1,) (Assigned to the Honorable
13 INC, an Arizona non-profit corporation,) James Blomo)
14 Defendant.)

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16 The parties signing below certify that they have conferred about the matters set forth
17 in Rule 16(d), and that this case is not subject to the mandatory provisions of Rule 72. With
18 regard to matters upon which the parties could not agree, they have set forth their positions
19 separately in item 14 below. The parties are submitting separate Proposed Scheduling Orders
20 with this Joint Report and request that the Court set a scheduling conference at its earliest
21 convenience.

22 **1. Brief description of the case:** Plaintiff Colette McNally is a resident of a planned
23 community known as Sun Lakes. Defendant Sun Lakes Homeowners Association #1, Inc. is
24 a non-profit Arizona corporation whose primary purpose is to manage the community’s
25 recreational and welfare facilities. The Association is managed and controlled by a seven-
26 member Board of Directors. Plaintiff was elected to the Board of Directors in 2011 for a
27 three-year term.

1 and set an expedited hearing on Plaintiff's Application for Preliminary Injunction filed April
2 29, 2015. Defendant agrees that the Court should set an evidentiary hearing on Plaintiff's
3 Application for Injunctive Relief once briefing is completed thereon, but does not agree that
4 it is appropriate to "bifurcate" Plaintiff's claims for declaratory and injunctive relief from the
5 remainder of her claims, or that it is necessary to expedite discovery or a hearing on
6 Plaintiff's Application.

7 **5. Settlement:** The parties agree to participate in a settlement conference and request
8 that the Court refer this matter to ADR for assignment of a settlement judge *pro tempore*.

9 **6. Readiness:** Plaintiff states that she will be ready for an evidentiary hearing on her
10 Application for Preliminary Injunction by August 1, 2015, if she can complete five
11 depositions by June 16, 2015 (Rick Schwartz, Clint Warrell, Roberta Laird, Jeanne Martens,
12 and former Board of Director William Hoyt). Defendant's position is that only the
13 deposition of Rick Schwartz is necessary in advance of a hearing on Plaintiff's Application
14 for Preliminary Injunction, and that deposition cannot be completed by June 16, 2015,
15 because Mr. Schwartz will be out of state until early July. Mr. Schwartz has agreed to appear
16 on July 15, 2015, for a deposition. Defendant's position on readiness for trial is that the case
17 can be ready for trial by next spring (March 2016). Plaintiff agrees that a trial on her
18 monetary damages claims can be ready by next spring.

19 **7. Jury:** Defendant demands a jury trial.

20 **8. Length of trial:** Defendant's position is that the estimated length of trial is five days.
21 Plaintiff's position is that the estimated length of the evidentiary hearing on her claim for
22 injunctive relief is 1½ days and that the estimated length of the jury trial on her remaining
23 claims is two days.

24 **9. Summary jury:** The parties do not agree to a summary jury trial.

25 **10. Preference:** This case is not entitled to preference for trial.

26 **11. Special requirements:** No party requires disability accommodations or an interpreter.
27

1 **12. Scheduling conference:** The parties request a Rule 16(d) scheduling conference.
2 Defendant requests the scheduling conference for the reasons set forth in its Request for
3 Scheduling Conference filed April 30, 2015. Plaintiff requests a scheduling conference.

4 **13. Other matters:** Plaintiff has demanded that she be permitted to take the depositions of
5 Rick Schwartz (the Association's President), Roberta Laird (the Association's Human
6 Resources Manager), Clint Warrell (the Association's former General Manager), Jeanne
7 Martens (a former employee of the Association and the author of an e-mail accusing Laird
8 and Warrell of misconduct), and William Hoyt (a former member of the Association's Board
9 of Directors). Defendant agrees that these depositions may proceed on dates mutually
10 agreeable to the parties. Defendant has also agreed to produce Ms. Laird for deposition or
11 furnish a last known address so that Plaintiff may serve her with a subpoena and has agreed
12 to furnish last known addresses for Clint Warrell and Jeannie Martens so that Plaintiff may
13 serve them with subpoenas as well. Defendant does not agree that the depositions of Roberta
14 Laird, Clint Warrell, Jeanne Martens, and William Hoyt are necessary to a hearing of the
15 issues raised in Plaintiff's Application for Preliminary Injunction, but has no objection to
16 allowing Plaintiff to complete those depositions prior to such hearing, as long as sufficient
17 time is available to allow the orderly scheduling and completion of those depositions prior to
18 the hearing.

19 Plaintiff intends to object to the Association's offer of expert testimony in defense of
20 her claims.

21 Counsel for the parties have been conferring about the Association's answer to a non-
22 uniform interrogatory propounded by Plaintiff. The Association objected to the interrogatory
23 but has agreed to supplement its answer based on discussions between counsel. Plaintiff may
24 ask the Court to address the matter if she is not satisfied with the Association's supplemental
25 answer.
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1 **14. Items upon which the parties do not agree:** See above. The parties have been unable
2 to agree on pretrial deadlines and are submitting separate proposed Scheduling Orders for the
3 Court's consideration prior to a scheduling conference.

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5 RESPECTFULLY SUBMITTED this 8th day of May, 2015.

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22 of May, 2015 to:

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