

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-009496

08/10/2015

HONORABLE JAMES T. BLOMO

CLERK OF THE COURT  
T. DeRaddo  
Deputy

COLETTE MCNALLY

STEVEN W CHEIFETZ

v.

SUN LAKES HOMEOWNERS ASSOCIATION  
# 1 INC

JENNY J WINKLER

MINUTE ENTRY

East Court Building – Courtroom 411

9:46 a.m. This is the time set for a Telephonic Status Conference. Appearing on behalf of Plaintiff is counsel, Steve Cheifetz. Appearing on behalf of Defendant is counsel, Jenny J. Winkler.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the status of the case and issues to which the parties could not agree. The parties disagree about the information that needs to be included in the Joint Pretrial Statement.

Further discussion is held regarding the May 12, 2015 Minute Entry with respect to the addition of witnesses and exhibits.

IT IS ORDERED that the parties shall add notes to their Joint report indicating which items are in disagreement.

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Defendant informs the Court that Plaintiff is seeking injunctive relief on two items as follows:

1. Plaintiff seeks to compel the Homeowner's Association to allow her to participate in the Executive Sessions of the Board of Directors; and
2. To Halt the Alleged Violations of the Open Meeting Laws by the Association.

Defendant asserts that there has not been enough time to conduct discovery, given the late notice of these issues. Defendant requests guidance from the Court.

Plaintiff asserts that she is being harmed by the practices of the Defendant, and feels that the Minutes are relevant and show prejudice to Plaintiff. Also, Plaintiff requests that the open meeting minutes be admitted at the Evidentiary Hearing on August 12, 2015.

LET THE RECORD REFLECT that the Court's focus at the Evidentiary Hearing regarding the preliminary injunction will be whether or not Ms. McNally can participate in executive sessions.

Discussion is held regarding and Plaintiff's Motion for Summary Judgment with respect to Defendant's expert witness. Plaintiff's re-urge their objection that Defendant's expert not be allowed to testify.

IT IS ORDERED that Mr. Carpenter's testimony at the Evidentiary Hearing not be precluded.

10:02 a.m. Matter concludes.