

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-050888

06/01/2021

HONORABLE SARA J. AGNE

CLERK OF THE COURT
J. Holguin
Deputy

R L WHITMER

R L WHITMER
6333 N SCOTTSDALE RD # 21
SCOTTSDALE AZ 85250

v.

HILTON CASITAS HOMEOWNERS
ASSOCIATION

TIMOTHY D BUTTERFIELD

JUDGE AGNE

MINUTE ENTRY

The Court has received and reviewed Defendant's Motion to Dismiss, filed May 26, 2021, which indicates to the Court that neither Party to this case now wishes the Evidentiary Hearing set on June 11, 2021, at Plaintiff's original request, to go forward. Therefore,

IT IS ORDERED vacating the Evidentiary Hearing set on June 11, 2021, and noting that the Court will consider the Motion to Dismiss once Plaintiff has timely responded and Defendant has timely replied, meaning the Motion would then be fully briefed. Either Party's failure to timely so respond or reply, respectively, may result in summary grant or denial of the Motion to Dismiss.

IT IS FURTHER ORDERED, pursuant to Ariz. R. Civ. P. 16(b)(1), that the Parties hold an Early Meeting, no later than **June 25, 2021**. The purpose of an Early Meeting is for the Parties to "meet and confer about the anticipated course of their case, including the tier to which it should be assigned under Rule 26.2 and the subjects set forth in Rule 16(b)(2) and (c). The parties must discuss whether and how they can agree to streamline and limit claims and affirmative defenses to be asserted, discovery to be taken, and motions to be brought. The

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purpose of the conference is to plan cooperatively for the case, and to facilitate the case's placement in one of three tiers discovery. The attorneys of record and all unrepresented parties who have appeared in the action are jointly responsible for arranging and participating in the Early Meeting.”

IT IS FURTHER ORDERED, pursuant to Ariz. R. Civ. P. 16(c)(1), that **no later than July 9, 2021**, “the parties must file a Joint Report and a Proposed Scheduling Order. The attorneys of record and all unrepresented parties who have appeared in the action are jointly responsible for attempting in good faith to agree on a Proposed Scheduling Order, and for filing the Joint Report and the Proposed Scheduling Order with the court.”

IT IS FURTHER ORDERED clarifying for the Parties that the deadlines set above must be met and complied with notwithstanding that briefing on the Motion to Dismiss may still be ongoing during those time periods. Ariz. R. Civ. P. 16(b)(1).

IT IS FURTHER ORDERED referring the Parties to Ariz. R. Civ. P. 16(h)(1)(A) and (E) and 16(h)(2) for the potential consequences should the above deadlines not be met and should the Court determine it is the fault of one or more of the Parties.

NOTE: Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a court facility to wear a mask or face covering at all times they are in the court facility. With limited exceptions, the court will not provide masks or face coverings. Therefore, any individual attempting to enter the court facility must have an appropriate mask or face covering to be allowed entry to the court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the court facility or asked to leave. In addition, all individuals entering a court facility will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the court facility.