

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-052114

02/21/2024

HONORABLE JULIE ANN MATA

CLERK OF THE COURT
L. Overton
Deputy

IN RE THE MATTER OF
LAURA OWENS

CORY B KEITH

AND

CLAYTON ECHARD

GREGG R WOODNICK

JUDGE MATA

MINUTE ENTRY

NOTE: There is a Later at the end of this minute entry.

Courtroom 102 - NER

10:30 a.m. This is the time set for Status Conference regarding Respondent's Expedited Motion to Set in-person Status Conference. Petitioner, Laura Owens, is present with above-named counsel. Respondent, Clayton Echard, is present with above-named counsel.

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

Discussion is held regarding the status of the case; and counsel for Respondent's Expedited Motion to Continue Trial and Motion for Additional Trial Time, filed February 6, 2024.

Counsel for Respondent addresses the Court regarding opposing counsel's failure to provide discovery & disclosure, and advises the Court of a forthcoming Deposition set for March 1, 2024, at 8:00 a.m. as the basis for his *Expedited Motion*.

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Counsel for Petitioner advises the Court that there is no objection to Respondent's *Expedited Motion to Continue Trial*, and addresses the Court regarding the ruling concerning Petitioner's Motion for Confidentiality and Preliminary Protective Order, filed January 17, 2024. Counsel further advises the Court that discovery regarding his client's pregnancy records is forthcoming by the end of the week.

Based on the matters discussed,

IT IS ORDERED granting the Expedited Motion to Continue Trial.

IT IS FURTHER ORDERED vacating the Trial/Evidentiary Hearing scheduled for February 27, 2024, at 4:00 p.m. and resetting same to **June 10, 2024, at 8:45 a.m.** (2 hours allotted). The parties, and counsel if represented, shall appear in person before:

Judge Julie Mata
Superior Court of Arizona
Northeast Regional Court Center
18380 North 40th Street
Courtroom 102
Phoenix, Arizona 85032
(602) 372-0825

Where to Find Additional Information & Forms

The Arizona Judicial Branch has a Family Law Information website, <https://www.azcourts.gov/familylaw>, with links to the Arizona Revised Statutes and the Arizona Rules of Family Law Procedure (ARFLP), which govern these proceedings (go to "Authorities" section). The Superior Court Law Library Resource Center (LLRC) also provides training classes and has detailed instruction packets available online at <https://superiorcourt.maricopa.gov/llrc/family-court-forms/>. Any party to a case can register and access the Clerk of Court's Electronic Court Record (ECR) for their particular case at <https://ecr.clerkofcourt.maricopa.gov/login.aspx>.

The parties are required to appear for the hearing. If only one party appears for the hearing, the Court may allow that party to present evidence and make arguments and the Court may enter rulings without the other party's participation. If neither party appears for the hearing, then the petition or motion may be denied and dismissed.

If, after completing discovery, the parties wish to request that the court set an alternative dispute resolution with a judge pro tem in accordance with ARFLP 67.4, the parties are required

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to submit a joint certification in the proper format to this court for consideration. A form for use in submitting such requests is available at <https://superiorcourt.maricopa.gov/media/1stcmgxb/dradr41fz.pdf>

Time for the hearing: Each party will have about 1/2 of the available time to present your case by asking questions, presenting documents, and presenting your position on the issue(s). The parties are expected to complete the trial in the allotted time. The time will not be extended unless a party files and the Court grants the motion at least 30 days before the hearing stating good cause to extend the time. That Motion must include a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. In general, the Court will only set the matter for trial once all disclosure and discovery is complete. Both parties shall provide any additional disclosures as required under ARFLP 49(b)(2), and shall complete all discovery no later than 30 days prior to trial.
2. Any motions other than the Motion to Extend, shall be filed at least 15 days prior to trial.
3. Counsel and both parties (or both parties if there are no counsel, and assuming that the Court has made exceptions based on issues of domestic violence) shall personally meet, face to face, at least ten (10) days before trial to discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. That means that the parties shall sign all necessary consents and releases reasonably required to obtain relevant documents or records from any financial institution, company, business, medical or health care provider, or employer possessing any relevant information.

Pursuant to ARFLP 76.1, either party may request that the Court hold a scheduling conference to discuss the trial, including scheduling witnesses, the admission of evidence and the filing of a pretrial statements. At least one of the attorneys who will conduct the trial for each party, and any self-represented parties, must attend this conference and shall follow the rules for a pre-scheduling conference statement outlined in Rule 76.1.

IT IS ORDERED that the parties shall file and provide this Division and the opposing party with a copy of a Pretrial Statement pursuant to ARFLP 76.1 **no later than five (5) days**

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before trial. The Pretrial Statement must include the attachments listed in ARFLP 76.1(g), as applicable. Please see <https://superiorcourt.maricopa.gov/media/e13dlsjl/drpts16fz.pdf> for forms.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present a completed Pretrial Statement with all attachments, may result in sanctions. (See ARFLP 76.2.) The sanctions may include the Court proceeding by default based on the evidence presented by the appearing party.

The parties may obtain the various forms and instructions from the Family Court Forms page, <https://superiorcourt.maricopa.gov/llrc/family-court-forms/>; use the drop down menu “Other Forms” to access a Pretrial Statement and an Affidavit of Financial Information.

EXHIBIT REQUIREMENTS

The Court will decide the issue(s) based on the testimony and evidence presented at the hearing. Accordingly, **IT IS ORDERED** that the parties submit any proposed hearing exhibits as follows:

1. **Submit Hearing Exhibits through Case Center.** This division is using Case Center (also known as Case Lines), a statewide electronic exhibit portal. Attorneys must submit exhibits through Case Center; self-represented litigants can request to opt-out of Case Center by contacting the judge’s division (DRJ14@jbazmc.maricopa.gov or (602) 372-2928). Exhibits must be submitted at least 3 days before the hearing.

Each party must make sure the Court has the party’s valid current email address. If you do not have an email address, you can obtain a free one through accounts.google.com. Each party must register for Case Center at www.digitalevidence.azcourts.gov. The website has links to training resources that will guide you through uploading exhibits and navigating Case Center. The Clerk of Court will email each party (or their attorney of record) a case-specific Case Center link that the party will use to upload exhibits. Case Center accepts most digital formats (including photographs, PDFs, Word files, audio files, and video files). Case Center automatically numbers the exhibits. Petitioner’s exhibits have an A- prefix (Exhibit A1, A2, etc.) and Respondent’s exhibits have a B- prefix (Exhibit B1, B2, etc.). Third parties will have a C- or D- prefix. During the hearing, the parties must refer to exhibits using the Case Center exhibit numbers. For assistance with Case Center, contact AOC Support Services at (602) 452-3519 or pasupport@courts.az.gov, Monday – Friday 7 AM – 6 PM.

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2. **Exchange Exhibits.** At least 3 business days before the hearing, you must give the other party copies of all exhibits you submitted for use at the hearing. Exhibits you do not give to the other party before the hearing may not be used in the hearing.
3. **Appear for the Hearing and Present Your Case.** At the hearing, each party will be allowed approximately half of the time available to present their case, including any witness testimony and exhibits. All witnesses must be present at the beginning of the hearing to be sworn in by the Clerk and to be provided the Court's admonition. The witnesses may then be released from the hearing and you will need to notify the witness when to return to the hearing to testify.

The Court only considers an exhibit after a party explains its relevance and moves for its admission into evidence. The judge will use Case Center to view the exhibits. Each party must either (1) bring paper copies for themselves and any witnesses or (2) access the exhibits on Case Center using their own wifi-enabled device.

A party presenting an exhibit should be prepared to identify the page(s) with relevant information. Any party that wants to present electronic media (such as audio or video) during a hearing must upload it into Case Center and be prepared to identify and play the relevant portions during the hearing.

Hearing participants may use either the court-provided devices or personal devices to view and present exhibits during an evidentiary hearing. Hearing participants can connect to the court's free MCPUBLIC WiFi for up to 90 minutes. For evidentiary hearings/trials longer than 90 minutes, WiFi users may choose to register for MCSponsored WiFi within 60 days of the hearing by following this link: <https://forms.office.com/g/d3xZN9cvPi>. Litigant access will be valid for 60 days; lawyer and nonlawyer representative access will be valid for 365 days.

FINDINGS OF FACT

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child legal decision-making, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted

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in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-hearing Statement.

OTHER INSTRUCTIONS

Settlement: Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court. (*See* ARFLP 70.) Should the parties reach a full agreement prior to the date of the trial, the Court will consider a motion to vacate the trial only if both parties stipulate.

Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and will require the express written approval of the Court. A motion to continue filed less than 30 days before the scheduled trial date will likely be denied.

Trial Record: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

Requests for **reasonable accommodation** for persons with disabilities must be made to the division assigned to the case at least three judicial days before the scheduled hearing. Requests for an **interpreter** for persons with limited English proficiency must be made at least ten days in advance of the scheduled hearing.

IT IS FURTHER ORDERED granting the request to extend the hearing time to (2) hours.

Further discussion is held regarding the ruling concerning Petitioner's Motion for Confidentiality.

LET THE RECORD REFLECT counsel for Petitioner presents to the Court, correspondence of Facebook messages dated February 7, 2024, outlining explicit and concerning conduct from the public towards Petitioner regarding this case.

For the reasons stated on record,

IT IS FURTHER ORDERED denying counsel for Petitioner's oral motion to reconsider regarding the ruling concerning Petitioner's Motion for Confidentiality.

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LET THE RECORD FURTHER REFLECT that A.R.S. Supreme Court Ruling 122 is in effect regarding media coverage and camera requests.

Further discussion is held regarding discovery and disclosure.

Counsel for Petitioner addresses the Court with an oral request to have the Court order his client provide medical records pertaining to the pregnancy only.

LET THE RECORD FURTHER REFLECT that no party shall disclose outside of themselves any medical or other documentation (exhibits, medical records, etc.) disclosed between the parties.

IT IS FURTHER ORDERED that the records be disclosed dating back to August 2020.

Counsel for Respondent addresses the Court regarding opposing counsel's statements relating to Petitioner's pregnancy and request the Court withdraw the protective order proceeding that was granted in Respondent's favor to be heard concurrently for the purposes of attorney's fees and sanctions at the upcoming Trial/Evidentiary Hearing.

LET THE RECORD FURTHER REFLECT the Court will hear evidence and testimony as it applies to sanctions and attorney's fees & costs dating back to the filing of the petition; all pleadings filed within the Maricopa County Superior Court.

LET THE RECORD FURTHER REFLECT by the parties' stipulation, between now and June 10, 2024, at 8:45 a.m., the Court will review the *Order of Harassment* Hearing dated October 24, 2023, and November 2, 2023.

The Court addresses both counsels regarding discovery as it pertains to counsel for Respondent's request for the DNA testing and vital records outlined in Respondent's response to Petitioner's Motion.

Counsel for Petitioner advises the Court that to the best of his knowledge no Vital Records record exists to provide as discovery, and the DNA testing results has been included in disclosure, which is forthcoming by the end of the week.

Additionally,

Further discussion is held regarding the Motion to Dismiss, and leave to amend.

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LET THE RECORD FURTHER REFLECT the Court shall treat the Motion to Dismiss as a request for attorney's fees equally.

The Court notes that both sides are seeking attorney's fees and costs. What's more,

Based on the argument presented,

IT IS FURTHER ORDERED the leave to amend is denied.

IT IS FURTHER ORDERED setting a discovery & disclosure deadline **(30)** days prior to trial. Any disclosure beyond that deadline shall be precluded. However,

IT IS FURTHER ORDERED the parties shall complete initial disclosure no later than **(45)** days from today's date.

LET THE RECORD FURTHER REFLECT Respondent's counsel has been provided with an Amended signed HIPAA release, and counsel agree that opposing counsel may amend the date and provider.

Upon request of the Court,

LET THE RECORD FURTHER REFLECT the Court will be provided via email with more than one additional provider regarding Petitioner's pregnancy.

11:08 a.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED continuing this matter on the Inactive Calendar for dismissal on **July 26, 2024**, without further notice unless prior to that date a proper Stipulation is entered or filed, a Stipulation for Dismissal is presented, a Motion to Set and Certificate of Readiness, or other appropriate pleading is filed.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/