

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. GARY J. COHEN

CASE NO. C20184411

DATE: February 10, 2023

SOUTHERN ARIZONA HOME BUILDERS
ASSOCIATION
Plaintiff

VS.

TOWN OF MARANA
Defendant

ORDER

IN CHAMBERS ORDER:

On January 17, 2023, the Arizona Supreme Court issued an *Opinion* in this case. The case was, thereafter, remanded back to this Court. Judge Tang was the previously assigned trial judge. This case has now been assigned to this Judge in this Division.

The Court has read (albeit not in complete detail) the *Opinion* and focused on ¶38-40 therein. The Court currently understands it is to grant SAHBA summary judgment after determining the proper allocation – through development impact fees – of the costs at issue based on evidence-based facts applied to the decisional framework in the *Opinion*. See *Opinion* ¶38-40.

As such, the Court is interested in the most effective and efficient process to accomplish its obligation(s) here. In that context, the Court is strongly considering the use of Ariz.R.Civ.P. 53. It is also pondering the alternative option given to it in the last sentence of *Opinion* ¶39 (“the Town should recalculate the development fees in the first instance”) as a start to the process here. Some sort of settlement process(es) here is/are also on the Court’s mind. Regardless of this Court’s current thoughts, it neither wants to nor will unilaterally proceed before input from and collaboration with counsel.

For all these reasons, **IT IS ORDERED** that:

1. Defense counsel shall take the laboring oar in scheduling, initiating, and completing one or more voice to voice communications with Plaintiff’s counsel over the next thirty (30) calendar days from the date of this *Order* to determine an entirely agreeable case plan here (preferred) or, alternatively, as much of such that can be agreed to, and

Rhonda Munyon
Judicial Administrative Assistant

ORDER

2. A combined *Status Conference* and *Alternative Scheduling Conference* is set in this case for **March 17, 2023** at **11:00 a.m.** for one hour, via Microsoft Teams, and
3. The parties shall file a joint document, consistent with the limitations in Ariz.R.Civ.P. 26(d)(2), that states a stipulated case plan here (preferred) or, alternatively, those parts of a case plan that are agreed to, those parts that are not agreed to, and the parties' respective positions on their respective disputes. To the extent one or both parties are interested in this Court utilizing Ariz.R.Civ.P. 53, the Court is interested in either an agreed to person or persons for that role, a list of agreeable persons for that role, or the parties' separate recommendations for such.

cc: Andrew J. Petersen, Esq.
Frank J Cassidy, Esq.
Kevin E. O'Malley, Esq.
Mark A. Fuller, Esq.

Rhonda Munyon

Judicial Administrative Assistant