

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. GREG SAKALL

CASE NO. **C20240494**  
**C20240495**  
**CONSOLIDATED**

COURT REPORTER: Digitally Recorded  
Courtroom - 808

DATE: February 09, 2024

**C20240494**  
CITY OF SOUTH TUCSON  
Plaintiff

Jon M Paladini, Esq. and Matthew W. Schiumo,  
Esq. counsel for Plaintiff

VS.

AM FAMILY PROPERTIES LLC,  
MARGEUX RENEE ORR BOWERS, and  
BRIAN JOHN BOWERS  
Defendants

Carl R. Sammartino, Esq. counsel for Defendants

**C20240495**  
CITY OF SOUTH TUCSON  
Plaintiff

Jon M Paladini, Esq. and Matthew W. Schiumo,  
Esq. counsel for Plaintiff

VS.

TORINO AVENUE, L.L.C.,  
MARGEUX RENEE ORR BOWERS, and  
BRIAN JOHN BOWERS  
Defendants

Carl R. Sammartino, Esq. counsel for Defendants

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**MINUTE ENTRY**

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**ORDER TO SHOW CAUSE (C20240495)/UNSCHEDULED HEARING (C20240494)**

Plaintiff is not present. South Tucson Manager, Veronica Moreno, is present. Defendants, Margeaux Orr Bowers and Brian Bowers, are present.

Plaintiff's Exhibits 1 through 4 and Defendants' Exhibits A through T, are identified in C20240495 in accordance with the attached Exhibit List.

The Court and counsel confer regarding the matters, Defendants' Motion to Consolidate, parties' stipulation, and a possible conflict of interest.

Upon the parties' stipulation,

IT IS ORDERED that C20240494 is reassigned to Division 23 for all future proceedings.

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G. Evarola  
Deputy Clerk

## MINUTE ENTRY

Upon the parties' stipulation,

IT IS ORDERED that Case No. C20240494 entitled City of South Tucson vs. AM Family Properties LLC, et al. and Case No. C20240495 entitled City of South Tucson vs. Torino Avenue, L.L.C., et al. are hereby consolidated for all purposes under Case No. C20240494 and all documents hereinafter prepared shall bear only the Case No. C20240494.

The clerk is directed to remove the papers now in Case No. C20240495 and place them in chronological order in Case No. C20240494. Thereafter, only a copy of this minute entry order shall remain in Case No. C20240495.

The parties have reached the following agreements in an effort to resolve this matter and unless otherwise specified this applies to the properties at 3020 South Sixth Avenue and 305 East Benson Highway:

1. Proper wrought iron type fencing around the whole property with restricted access gates (code or other access restricted mechanism), no chain link fencing, and including period and reinforced entry points.
2. The northeast corner of 3020 South Sixth Avenue has a small alcove where people gather, that alcove will be fenced in or otherwise made inaccessible.
3. Rudolfo Perez of Ironman Security will patrol the two properties as currently contracted with one additional random stop on both properties between 8:00 PM and 2:00 AM daily.
4. There will be bright lighting throughout; it will be secured and not easily damaged or removed.
5. Leasing will continue to include crime free addendums as they currently exist.
6. The buildings will be properly maintained including a requirement that they will be cleaned. Windows will be repaired or replaced. There will be actual doors. There will be no boarding for longer than 24 hours except in cases of eviction wherein the boarding shall not last more than 21 days after the eviction.
7. The Defendants will post no loitering and no trespassing signs. The Defendants agree to prosecute trespassers.
8. The Defendants will install working security/CCTV cameras covering the entrances, exits, common areas, hallways, and parking lots. There will be an absence of blind spots or dead zones. Video recordings will be preserved for at least two weeks. Any recordings will be made available to the South Tucson Police Department upon request.
9. Tenants will not be allowed to store refuse in the hallways.

G. Evarola  
Deputy Clerk

**MINUTE ENTRY**

10. The Defendants will provide fire extinguishers throughout the complex.
11. The laundry rooms must only be accessible to tenants and the Defendants will provide locked doors to the laundry rooms.
12. No junk motor vehicles will be allowed to remain in the parking lot.
13. The Defendants will keep the parking lot free from animal waste, drug paraphernalia, and any excess auto oil on the pavement of the parking lot.
14. The Defendants will provide professional onsite manager for each property. For any work on either property that requires a permit either under the South Tucson City Code, other regulations or laws, the Defendants will obtain the necessary permits.
15. The Defendants will provide onsite maintenance. The Defendants will provide two workers at each property Monday through Friday 9:00 AM to 5:00 PM and after hours in emergency maintenance work will be available as needed.
16. These agreements apply to any closely related entity including any entity related to either of the Bowers. This agreement does not apply to any arm's length transaction with someone not a party to this agreement.
17. The parties will execute a settlement agreement by February 23, 2024. Plaintiff's counsel will take the lead on drafting said agreement. Assuming all conditions are met, there will be a final stipulation filed within 60 days of this date.

Veronica Moreno, Margeaux Orr Bowers, and Brian Bowers are sworn and testify.

THE COURT FINDS that the parties have knowingly, intelligently, and voluntarily entered into a binding Rule 80 agreement. The agreement is fair and reasonable.

The Court adopts the parties' agreements as Orders of the Court as of this date.

IT IS ORDERED that all non-offered and/or non-admitted exhibits shall be released to the parties.

IT IS ORDERED that the hearing set in Division 01, is vacated.

FILED IN COURT: Exhibit List; Exhibit Receipt (2)

  
**HON. GREG SAKALL**  
(ID: 89973d49-b8b9-4d9c-aa39-0c6a7a1f5c54)

G. Evarola  
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**MINUTE ENTRY**

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cc: Hon. Brenden J Griffin  
Hon. Greg Sakall  
Carl R. Sammartino, Esq.  
Jon M Paladini, Esq.  
Matthew W. Schiumo, Esq.  
Case Management Services - Civil  
Clerk of Court - Imaging Supervisor  
Clerk of Court - Legal Records Supervisor

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Deputy Clerk

**PIMA COUNTY SUPERIOR COURT**

CITY OF SOUTH TUCSON  
Plaintiff

VS.

TORINO AVENUE, L.L.C., ET AL.  
Defendants

Jon M Paladini, Esq. and Matthew W.  
Schiumo, Esq.  
Attorneys for Plaintiff

Carl R. Sammartino, Esq.  
Attorney for Defendants

Case No. C20240495

Date: February 9, 2024

Type of Hearing: Order to Show Cause

**EXHIBIT LIST**

Hon. Greg Sakall

<b>Iden</b>	<b>Offer</b>	<b>Obj</b>	<b>Adm</b>	<b>Description</b>	<b>Disposition</b>	<b>Sent</b>	<b>Not Sent</b>
<b>IDENTIFIED ON FEBRUARY 9, 2024</b>							
1				Copy of Legal Description and attachments			
2				Copy of South Tucson Crime Statistics			
3				Copy of South Tucson Police Department remediation plan			
4				Copy of Total Calls for Service - 2023			
A				Copy of Rental Agreement			
B				Copy of certificate			
C				Copy of certificate			
D				Copy of certificate			
E				Copy of Alpha Glass invoice			
F				Copy of receipt			
G				Copy of receipt			
H				Copy of order confirmation			
I				Copy of receipt			

J				CD			
K				CD			
L				CD			
M				CD			
N				CD			
O				Copy of Pima County Consolidated Justice Court Record Display			
P				CD			
Q				8x10 color photograph			
R				8x10 color photograph			
S				8x10 color photograph			
T				Copy of reports log			

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G. Evarola  
Deputy Clerk