

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-094694

01/21/2015

HON. MARK F. ACETO

CLERK OF THE COURT

M. Scott

Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS
ASSOCIATION INC.

JAVIER B DELGADO

v.

LORRI GLAWE, et al.

LORRI GLAWE
2240 570TH ST
AURELIA IA 51005

CURT GLAWE
2240 570TH ST
AURELIA IA 51005
JORDAN GLAWE
2240 570TH ST
AURELIA IA 51005
WHITE TANK JUSTICE COURT
21749 W. YUMA RD.
SUITE B101
BUCKEYE AZ 85326
LYDIA P LINSMEIER
DOCKET-CIVIL-SE
REMAND DESK-SE

MINUTE ENTRY

DISMISSAL OF COUNTERCLAIM

The Court makes note of the following:

- On August 25, 2014, Defendants/Counterclaimants (“Defendants”) filed a “Counterclaim”.

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- On December 19, 2014, Plaintiff/Counterdefendant (“Plaintiff”) filed a “Motion to Dismiss”. Through this “Motion to Dismiss”, Plaintiff seeks dismissal of Defendant’s “Counterclaim”.
- Regarding Plaintiff’s “Motion to Dismiss”, Defendants have failed to file the required answering memorandum and the Court deems Defendants’ failure to do so as consent to the granting of the “Motion to Dismiss”.
- Among other things, in its “Motion to Dismiss”, Plaintiff argues that the claims asserted in Defendants’ “Counterclaim” are subject to binding arbitration. This argument is meritorious.

Under the circumstances,

IT IS ORDERED granting Plaintiff’s “Motion to Dismiss”. More specifically,

IT IS ORDERED dismissing the “Counterclaim” filed by Defendants on August 25, 2014.

Plaintiff has requested an award of costs and attorney fees. Because other aspects of this case remain pending, the Court declines to award costs and fees at this time. Regarding costs and fees incurred to date, including costs and fees regarding Plaintiff’s “Motion to Dismiss”, this ruling is without prejudice to Plaintiff’s ability to seek an award of costs and fees when this case has been resolved in its entirety.

ORDER OF TRANSFER

The Court makes note of the following:

- Plaintiff filed its Complaint in White Tank Justice Court.
- Because of Defendants’ “Counterclaim”, White Tank Justice Court transferred this case to Superior Court.
- As noted above, Defendants’ “Counterclaim” has now been dismissed.
- The only substantive claims remaining in this case are those asserted in Plaintiff’s Complaint.

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- Through its Complaint, Plaintiff seeks judgment in the principal amount of \$1,792.56.
- Justices of the peace have exclusive jurisdiction of civil actions when the principal amount involved is less than \$10,000. A.R.S. §22-201.

Under the circumstances,

IT IS ORDERED transferring this case back to White Tank Justice Court.

/ s / HON. MARK F. ACETO

JUDICIAL OFFICER OF THE SUPERIOR COURT