

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2025-018158

02/20/2026

HONORABLE JENNIFER RYAN-TOUHILL

CLERK OF THE COURT  
A. Navarro Albor  
Deputy

LAYTON LAKES COMMUNITY  
ASSOCIATION

JOHN HALK

v.

MEGAN S WHITE

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3655 E TRINITY LN  
CHANDLER AZ 85286

JUDGE RYAN-TOUHILL

**RULING**

Before the Court is Plaintiff's January 5, 2026, *Motion for Summary Judgment* (MSJ). Defendant failed to respond to Plaintiff's MSJ.

Rule 56(a) requires the court to "grant summary judgment if the moving party shows that there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law." Ariz. R. Civ. P.; *Dinsmoor v. City of Phoenix*, 251 Ariz. 370 (2021). The party moving for summary judgment has the burden of establishing the absence of a genuine dispute of fact. *Wells Fargo, N.A., v. Allen*, 231 Ariz. 209, 213 (App. 2012). When the moving party demonstrates no material facts are genuinely in dispute, the non-moving party must then present competent evidence demonstrating a disputed fact exists, which then requires a trial. *See Nat'l Bank of Ariz. v. Thurston*, 218 Ariz. 112, 1156 (App. 2008); *Kelly v. NationsBanc Mortgage Corp.*, 199 Ariz. 284, 287 (App. 2000).

When no genuine dispute over material facts exists, summary judgment is warranted. *Orme School v. Reeves*, 166 Ariz. 301 (1990). However, even when facts may be agreed upon, if the parties have a genuine dispute over inferences to draw from those facts, summary judgment is

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precluded. *Valley Nat. Bank of Arizona v. J.C. Penney Ins. Co.*, 129 Ariz. 108 (Ct. App. Div. 1 1981). When deciding a motion for summary judgment, the court is not free to speculate “that some slight doubt. . . some scintilla of evidence or some dispute over irrelevant or immaterial facts might blossom into a real controversy in the midst of trial.” *Orme School v. Reeves*, 166 Ariz. at 311.

A party seeking summary judgment has a heavy burden. *Wells Fargo Bank, N.A. v. Allen*, 231 Ariz. 209 (Ct. App. Div. 1 2012). The movant must provide “undisputed admissible evidence that would compel any reasonable juror to find in its favor on every element of its claim.” *Id.* (citing *Comerica Bank v. Mahmoodi*, 224 Ariz. 289 (Ct. App. Div. 1 2010)).

**THE COURT FINDS** Rule 7.1(b), Ariz. R. Civ. P., allows the Court to “summarily grant or deny a motion if . . . the opposing party does not file a responsive memorandum.” A party that fails to respond to a MSJ does so at their own peril. *Rudinsky v. Harris*, 231 Ariz. 95, 99 (App. 2012). Regardless, the moving party must still show—and the Court must still find—an entitlement to judgement. *See United Bank of Ariz. v. Allyn*, 167 Ariz. 191, 196 (App. 1990); *Biondo v. General Motors Corp.*, 5 Ariz.App. 286, 291 (1967). When, as here, the party against whom the motion is directed fails to respond, the facts asserted by the moving party are assumed to be true. *E.g., Sato v. Van Denburgh*, 123 Ariz. 225 (1979).

Here, Plaintiff has not merely rested on its allegations but, rather, Plaintiff has shown entitlement to judgment. Moreover, the Court considered the entire record of the case before deciding Plaintiff’s MSJ, along with Plaintiff’s memorandum for summary judgment. Ariz. R. Civ. P. 56(e). The motion and the accompanying state of facts demonstrate there are no material facts in dispute that preclude granting the motion. Good cause appearing,

**IT IS ORDERED** granting Plaintiff’s *Motion for Summary Judgment*. Plaintiff must provide the Court with a proposed judgment within ten business days of the filing date of this Ruling or the matter will be dismissed in its entirety.

**IT IS FURTHER ORDERED** placing the case on the dismissal calendar for April 10, 2026.