

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-013307

03/06/2019

HONORABLE CONNIE CONTES

CLERK OF THE COURT
K. Cabral/S. Brown
Deputy

STEPHEN S EDWARDS

STEPHEN S EDWARDS
16030 S 36TH ST
PHOENIX AZ 85048

v.

QUINTEN T CUPPS, et al.

JOHN L CONDREY

CONNIE TOTORICA GOULD
JUDGE CONTES

MINUTE ENTRY

The court has read and considered defendant Lakewood Community Association's ("the Association") motion to dismiss (filed Dec. 19, 2018), the response (filed Dec. 27, 2018), and reply (filed Jan. 8, 2019). The court has also read and considered defendant Quinten T. Cupps' motion to dismiss and notice of errata (filed Nov. 16, 2018 and Dec. 6, 2018, respectively) and the response (filed Jan. 22, 2019).

Both the Association and Cupps argue that plaintiff's (first amended) complaint should be dismissed based on (1) application of the judicial and/or litigation privilege, (2) the doctrines of issue and claim preclusion, (3) and failure to state a claim. For the reasons stated in the motions, the court agrees.

Generally, before the court grants a Rule 12(b)(6) motion to dismiss, the plaintiff is given an opportunity to amend the complaint if such an amendment would cure its defects. *Wigglesworth v. Mauldin*, 195 Ariz. 432, 439, ¶ 26 (App. 1999). In this case, however, the court finds it unlikely such would be the case. *See* Maricopa Cty. Super. Ct. Admin. Order No. 2019-029 (finding

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Stephen Edwards “is engaging in vexatious conduct as defined in A.R.S. § 12-3201”).
Accordingly, based on the foregoing,

IT IS ORDERED granting the Association’s and Cupps’ motions to dismiss plaintiff’s
(first amended) complaint, with prejudice.