

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-091129

03/31/2016

HON. DAVID K. UDALL

CLERK OF THE COURT

K. Tiero

Deputy

CHRISTINE DAVIS, et al.

ERIN SELENE IUNGERICH

v.

WESTGLEN VILLAS HOMEOWNERS  
ASSOCIATION INC, et al.

TERRY WAYNE STRAUGHN

ANTONIO DOMINGUEZ  
COURT ADMIN-CIVIL-ARB DESK

**UNDER ADVISEMENT RULING**

The Court took this matter under advisement after Oral Argument was held on March 31, 2016 on Defendants' Motion for Partial Summary Judgment. The Court has considered the arguments of the parties and the pleadings. The Court makes the following findings and enters the following orders.

With respect to Count 1,

THE COURT FINDS there is enough evidence to go to the jury on the question of whether or not Defendants violated the duties owed to the Plaintiffs.

With respect to Count 2, breach of ARS 33-1805,

THE COURT FINDS there is enough evidence to go to the jury as to whether or not the Defendants violated the statute with regard to the Plaintiff Christine Davis.

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With respect to Plaintiff David Opstein,

THE COURT FINDS that David Opstein is not a member of the Homeowners Association and has no standing with respect to this Court.

IT IS THEREFORE ORDERED denying Defendants' Motion for Partial Summary Judgment with respect to Christine Davis on Counts 1 and 2.

IT IS FURTHER ORDERED denying Defendants' Motion for Partial Summary Judgment with respect to David Opstein on Count 1.

IT IS FURTHER ORDERED granting Defendants' Motion for Partial Summary Judgment with respect to David Opstein on Count 2.

IT IS FURTHER ORDERED dismissing Count 2 with regard to David Opstein, with prejudice.

Dated this 31<sup>st</sup> day of March, 2016

/ s / HONORABLE DAVID K. UDALL

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HONORABLE DAVID K. UDALL  
JUDICIAL OFFICER OF THE SUPERIOR COURT