

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-052668

04/19/2019

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT
K. Hartley
Deputy

ROWLEY FAMILY TRUST, THE, et al.

JUSTIN R COOLEY

v.

DOVE VALLEY RANCH COMMUNITY
ASSOCIATION, et al.

B AUSTIN BAILLIO

AMANDA E NELSON
JUDGE CAMPAGNOLO

**MINUTE ENTRY DENYING PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS**

The Court has reviewed and considered Plaintiff's Motion for Judgment on the Pleadings as to Count One, Defendant Dove Valley Ranch Community Association's Response thereto, Defendant Baron's Response thereto and Request for Clarification, Plaintiff's Reply, and the applicable law.

Plaintiff contends that Defendant Dove Valley Ranch Community Association (the HOA) filed its Answer in violation of Rules 8 and 36, ARIZ. R. CIV. P., by not providing a detailed and specific response to its denials to the allegations in the Complaint. Plaintiff contends that this failure to provide specific responses should result in deeming Defendant's Answer as admitting to the allegations in the Complaint.

On a motion for judgment on the pleadings, all of the allegations of the opposing party's pleadings must be accepted as true, and the moving party is entitled to judgment only if the position of the opposing party, as stated in its pleadings, clearly entitles the moving party to judgment. *Wenrich v. Household Finance Corp.*, 5 Ariz. App. 335, 338 (1967).

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The HOA's Answer provided denials, admissions or partial denials and admissions. This is precisely what Rule 8 requires. The HOA did not file any answers in violation of Rule 8(c)(2). The HOA's Answer also asserted affirmative defenses, pursuant to Rule 8(d). The Court is unclear as to why Plaintiff cited to Rule 36. Nothing was presented to the Court in regard to Requests for Admissions.

The Court does not read Rule 8 as broadly as Plaintiff reads it. In fact, the Court finds that the HOA's Answer complied with Rule 8. Further, all of the authority cited by Plaintiff on this issue was neither precedential nor persuasive.

IT IS ORDERED that Plaintiff's Motion for Judgment on the Pleadings as to Count One is denied.

IT IS FURTHER ORDERED that Defendant Baron's Request for Clarification is denied as moot.