

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-051190

05/23/2012

HONORABLE MICHAEL R. MCVEY

CLERK OF THE COURT
R. Tomlinson
Deputy

TAPESTRY ON CENTRAL CONDOMINIUM ASSOCIATION ROBERT M FRISBEE

v.

MATTHEW HODEAUX ARCHITECT P L L C, GEORGE H KING
et al.

TERESA H FOSTER

MINUTE ENTRY

The Court has reviewed Defendants' proposed form of Judgment, the Application and Affidavit in Support of Attorneys' Fees submitted by Defendants Hodeaux Architect PLLC, MBH Development, LLC, and Matthew and Katrina Hodeaux ("Hodeaux Defendants"); the Hodeaux Defendants' Statement of Costs; the Application and Affidavit for Attorneys' Fees and Statement of Costs submitted by Defendants Carras and Balinda; Plaintiff's Objection to the Hodeaux Defendants' Application for Attorneys' Fees as well as Plaintiff's Objection to the Application for Attorneys' Fees filed by Carras and Balinda; and the Replies of the Hodeaux Defendants and Defendants Carras and Balinda.

This Court finds that Plaintiff's claims against these Defendants arose out of contract, and as such, attorneys' fees are awardable pursuant to A.R.S. § 12-341.01(A).

The Court has further considered the six factors set forth in *Associated Indemnity Corporation v. Warner*, 143 Ariz. 567, 694 P.2d 1181 (1985).

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IT IS ORDERED awarding the Hodeaux Defendants their attorneys' fees in the amount of \$17,320.80 plus their taxable costs in the amount of \$271.00.

IT IS FURTHER ORDERED awarding Defendants Carras and Balinda their taxable costs in the amount of \$235.00.

The Carras and Balinda Defendants have requested attorneys' fees in excess of \$8,100.00. However, the Carras and Balinda Defendants did not become parties to this litigation until March 16, 2012, when they filed their Motion to Dismiss. Prior to that time they had not filed an Answer. Fees incurred after March 16, 2012, amounted to \$827.50. Therefore,

IT IS ORDERED awarding Defendants Joanne Carras and Businge Balinda attorneys' fees in the amount of \$827.50, all as set forth in the Final Judgment of Dismissal Without Prejudice signed and entered this date.

FILED: Final Judgment of Dismissal Without Prejudice

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.