

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-010115

05/09/2024

HONORABLE SCOTT A. BLANEY

CLERK OF THE COURT  
S. Ortega  
Deputy

MICHAL REILLY, et al.

JASON A CLARK

v.

JACKSON BUILDERS OF ARIZONA L L C, et  
al.

MONA NMN BASKIN  
JAMES J OSBORNE  
EDITH I RUDDER  
MARCUS D TAPPE  
JUDGE BLANEY

MINUTE ENTRY

The Court has reviewed and considered Defendants Ryan Sieker and Katie Rogers' *Rule 7.1(e) Motion for Reconsideration of Under Advisement Ruling*, the Association's *Response to Siekers' Motion for Reconsideration*, and the record in this case.

The Court issued its March 12, 2024 *Under Advisement Ruling* after review of the parties' *Joint Statement of Discovery Dispute* and after oral argument, in which both parties' counsel participated. Defendants Sieker and Rogers now ask the Court to review the facts again. But Defendants have not established good cause for their request for a third review of the facts and procedural history of this dispute.

**IT IS THEREFORE ORDERED**, in the Court's discretion, denying Defendants Ryan Sieker and Katie Rogers' *Rule 7.1(e) Motion for Reconsideration of Underadvisment Ruling*.

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**THE COURT FURTHER FINDS AS FOLLOWS:**

The Court's March 12, 2024 *Ruling* ordered:

**IT IS THEREFORE ORDERED** Defendants Sieker and Rogers shall, by March 22, 2024, provide three possible dates for an inspection, to occur between the dates of April 5 and May 3, 2024. Defendants Sieker and Rogers shall ensure that the areas that need to be inspected are accessible by removing drywall from those areas, at their expense. The Court notes that, during the March 12 oral argument, Counsel for Orchard House listed five locations in the unit where the drywall would need to be removed. The parties shall work together to identify those areas in advance of the date of inspection.

*Id.* at pg. 3. The Court identified a 30-day period in which Defendants were to make the site ready and available for inspection, subject to a specific date agreed upon by the parties. But it appears from the parties' respective filings that Defendants have not complied with the Court's order. Instead, they unilaterally placed conditions on their compliance with the Court's order (*see, e.g.,* Exhibit 15 to *Response*) and attempted to shift the financial burden to the Association, despite the unambiguous language in the *Ruling* ("Defendants Sieker and Rogers shall ensure that the areas that need to be inspected are accessible by removing drywall from those areas, at their expense."). Defendants then waited two weeks after the start of the 30-day period identified by the Court – and more than one month after the Court issued its *Ruling* – to file the present *Motion for Reconsideration*.

**THE COURT FINDS** that Defendants Sieker and Rogers have unreasonably expanded these proceedings and have violated this Court's March 12, 2024 order regarding discovery.

**IT IS THEREFORE ORDERED** awarding the Association its reasonable attorneys' fees and costs arising from Defendants Sieker and Rogers' failure to comply with the Court's order, which includes the drafting and filing of the present *Response* and the scheduling and attendance at the May 1, 2024 inspection. The Association shall file an application for attorneys' fees and costs and supporting affidavit of counsel, citing this Order, by May 24, 2024. Defendants Sieker and Rogers may file any response thereto by June 7, 2024.

**IT IS FURTHER ORDERED** Defendants Sieker and Rogers shall fully comply with the Court's March 12, 2024 *Ruling* by June 13, 2024. Failure to do so will likely result in sanctions, up to and including a finding of contempt and any other appropriate sanction listed in Rule 37(b)(2)(A)(i) – (vii).