

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2016-050453

06/21/2021

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT  
C. Lett  
Deputy

VILLAGE AT GRAYHAWK OWNERS  
ASSOCIATION

JOSHUA M BOLEN

v.

ALAN JONES, et al.

KATHRYN MARIE JONES  
1610 W ALOE VERA DR  
PHOENIX AZ 85085  
JUDGE CAMPAGNOLO

MINUTE ENTRY

The Court has reviewed and considered Defendant/Counterclaimant's Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction; Plaintiff's Response thereto, Defendant's Amended Reply; the Complaint; the Amended Answer and Counterclaim; any other relevant filings; and the applicable law. Neither party requested oral arguments, and the Court finds that oral arguments would not significantly assist the Court in ruling on the Motion. *See* Maricopa County Local Rule 3.2(d).

Although the Motion is brought under Rule 12(b)(1), portions of the Motion seemed to be more akin to a Rule 12(b)(6) Motion. The Court may review its subject-matter jurisdiction at any time. Rule 12(h)(3), ARIZ. R. CIV. P. To the extent that any of Defendant's relief is sought under Rule 12(b)(6), it is untimely, and shall not be considered for that purpose.

When a Court's subject matter jurisdiction is challenged pursuant to Rule 12(b)(1), the Court may take evidence and resolve factual disputes essential to its disposition of the motion. *Gatecliff v. Great Republic Life Insurance Co.*, 154 Ariz. 502, 506 (App. 1987), *rev'd on other*

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*grounds*, 170 Ariz. 34 (1991). To the extent that the exhibits attached to Defendant's Motion or Reply are relevant to the Rule 12(b)(1) claim, the Court has considered those exhibits. See *Strategic Development and Construction, Inc. v. 7<sup>th</sup> and Roosevelt Partners, LLC*, 224 Ariz. 60, ¶1 (App. 2010).

Under Rule 12(b)(1), "subject matter jurisdiction" refers to a court's statutory or constitutional power to hear and determine a particular type of case. *Church of Isaiah 58 Project of Arizona, Inc. v. La Paz County*, 233 Ariz. 460, ¶9 (App. 2013). The Court finds that it has subject-matter jurisdiction over this case.

**IT IS ORDERED** denying Defendant/Counterclaimant's Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction.