

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-004037

07/18/2018

HONORABLE JAMES D. SMITH

CLERK OF THE COURT
P. Culp
Deputy

KENNETH SMITH, et al.

PATRICK R MACQUEEN

v.

SKY HAWK DRIVE HOMEOWNERS
ASSOCIATION INC

AUGUSTUS H SHAW IV

JUDGE J. SMITH

MINUTE ENTRY

The Court received Defendant Sky Hawk Drive Homeowners Association's Motion to Dismiss Plaintiffs' First Claim of Relief for Defamation filed May 29, 2018, the response, and the reply. Plaintiffs sought leave to file an amended complaint on July 3, 2018. Defendant's Response to Plaintiffs' Motion for Leave to File First Amended Verified Complaint (filed 07/12/2018) indicated that Defendant does not oppose allowing Plaintiffs to file an amended complaint. For purposes of efficiency and clarity, however, it does not make sense to rule on a motion to dismiss that attacked the original (now superseded) complaint.

IT IS ORDERED denying the motion to dismiss without prejudice to Defendant moving to dismiss Plaintiff's amended complaint.

IT IS FURTHER ORDERED granting Plaintiffs' motion to file an amended complaint. Plaintiffs must file and serve the amended pleading within 10 days of the date the Clerk files this order. Defendant will then have 10 days to respond to the amended complaint.