

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-020533

08/11/2005

HONORABLE JANET E. BARTON

CLERK OF THE COURT  
M. L. Smith  
Deputy

FILED: 08/15/2005

RON EHNINGER, et al.

ASA WILLIAM MARKEL

v.

DREAMLAND VILLA COMMUNITY CLUB

JILL TSIAKILOS

**RULING**

The Court has received and reviewed Defendant Dreamland Villa Community Club's ("Dreamland's") Application in Support of Attorneys' Fees and Costs, filed on June 8, 2005, Dreamland's Affidavits Regarding Attorneys' Fees, filed on June 8, 2005, Plaintiffs' Opposition to Defendant's Application for Attorneys' Fees, filed on June 30, 2005, Dreamland's Reply to Plaintiffs' Opposition to Application for Attorneys' Fees, filed on July 13, 2005, and Dreamland's Supplemental Affidavit Regarding Attorneys' Fees, filed on July 13, 2005. With respect to those pleadings, the Court now rules as follows: <sup>1</sup>

The Court in its discretion declines to award attorneys' fees in this matter. Therefore,

**IT IS ORDERED** denying Dreamland's Application for Attorneys' fees.

With respect to Dreamland's application for costs, as the prevailing party Dreamland would be entitled to an award of its taxable costs. However, Rule 54(f), Ariz.R.Civ.P., envisions that a party seeking costs file a statement of costs. No such statement was filed in this case. Rather, the Court simply received an affidavit stating that Dreamland "expended in advance the sum of \$944.10 which can be taxed as costs under A.R.S. §§ 12-332 AND 12-346." Without any

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<sup>1</sup> Plaintiffs have requested oral argument. However, due to the quality and thoroughness of the parties' briefs, the Court is of the opinion that oral argument will not assist it in resolving the issues raised in the parties' pleadings. Therefore, pursuant to Rule 7.1(c), Ariz.R.Civ.P., the Court will rule upon Dreamland's Application without oral argument.

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explanation as to why these costs were incurred or what they were expended for, the Court is simply unable to determine the amount of taxable costs Dreamland is entitled to herein. Therefore,

IT IS ORDERED denying Dreamland's Application for costs.