

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-090368

08/14/2015

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

MICHAEL MCMULLEN, et al.

DAVID E JOHNSON

v.

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE, et al.

J GARY LINDER

KRAIG J MARTON
DUSTIN MITCHELL
NO ADDRESS ON RECORD
HEATHER E BUSHOR
JEFFREY A SILENCE

MINUTE ENTRY

Courtroom 207 – SEA

4:09 p.m. This is the time set for Oral Argument re: Defendants The Val Vista Lakes Community Association, Cheryl McCoy and Todd McCoy, Robert J. Actis and Nicole Actis, and Marci Johnson and Reed Johnson's Motion for Summary Judgment, Defendants Grossman's Motion for Summary Judgment and Plaintiff's Cross-Motion for Partial Summary Judgment. Counsel, David E. Johnson, is present on behalf of Plaintiff (Michael McMullen is also present). Counsel, J. Gary Linder, is present on behalf of Defendants The Val Vista Lakes Community Association, Cheryl McCoy and Todd McCoy, Robert J. Actis and Nicole Actis, and Marci Johnson and Reed Johnson. Counsel, Kraig J. Marton, is present on behalf of Defendants Grossman, who are also present.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

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The Court has reviewed the case file and the pleadings filed by the parties. Based on that review, the Court states its inclinations on the record.

IT IS ORDERED to the extent that Plaintiff's Motion to Strike Defendant Grossman's Untimely Reply in Support of Motion for Summary Judgment is still at issue, the Motion is denied.

Oral argument is presented.

Having considered the arguments of counsel and the memoranda of the parties,

For purposes of these proceedings,

THE COURT FINDS that Plaintiff is a public figure.

To the extent that defamatory statements have been made by the Defendants against the Plaintiff, the Court finds that there is no evidence to support that Plaintiff did or would have given consent to the making of those statements by his participation at the board meetings.

IT IS ORDERED denying Plaintiff's Cross-Motion for Partial Summary Judgment.

With regard to Defendants The Val Vista Lakes Community Association, Cheryl McCoy and Todd McCoy, Robert J. Actis and Nicole Actis, and Marci Johnson and Reed Johnson's Motion for Summary Judgment and Defendants Grossman's Motion for Summary Judgment, for the reasons set forth in the motions,

IT IS ORDERED granting the Motion for Summary Judgment as it applies to The Val Vista Lakes Community Association and Defendants Johnson.

With regard to allegation of the HOA terrorism, the Court does not find the statement to be defamatory.

IT IS ORDERED granting the Motion for Summary Judgment as it applies to Defendants Grossman and HOA terrorism.

IT IS ORDERED taking the stalking allegation relating to Defendants McCoy and Actis and the allegation that Plaintiff committed a crime by the hacking of the HOA website that resulted in the mass mailing to the rest of the Association under advisement.

5:09 p.m. Matter concludes.