

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052655

08/25/2017

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenoever
Deputy

MICHAEL BERENT, et al.

LORI N BROWN

v.

GRAZYNA MROCZKOWSKA, et al.

DEBRA S BROCKWAY

MARIA R KUPILLAS
JEFFREY T MURRAY

RULING

Courtroom 102 - NE

9:05 a.m. This is the time set for Oral Argument on Defendant City of Surprise's Motion to Dismiss. Plaintiffs Michael Berent and Nancy Berent are represented by counsel, Lori N. Brown. Defendants Grazyna and Marta Mroczkowska and Miroslaw Mroczkowski are represented by counsel, Debra S. Brockway. Defendant Bell West Ranch Homeowners Association, Inc. is represented by counsel, Maria R. Kupillas. Defendant City of Surprise is represented by counsel, Jeffrey T. Murray.

A record of the proceedings is made digitally in lieu of a court reporter.

Arguments are heard.

IT IS ORDERED Defendant City of Surprise's Motion to Dismiss is granted for the following reasons: (1) the notice of claim was not timely submitted, and (2) the City has no mandatory duty to enforce this ordinance.

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The Court does not reach the question today of whether plaintiffs are among the specific individuals protected by this ordinance.

9:34 a.m. Hearing concludes.