

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-010791

08/27/2020

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
D. Charbagi
Deputy

MARDY C TOEPKE, et al.

MITCHELL W FLEISCHMANN

v.

PIONEER CONDOMINIUM ASSOCIATION OF SUN CITY WEST DAVID G SCHMIDT

JUDGE WARNER

MINUTE ENTRY

Courtroom: ECB -414

9:00 a.m. This is the time set for Oral Argument regarding Plaintiff's April 24, 2020 Motion for Summary Judgement on Complaint. Plaintiff, Mary C. Toepke is represented by counsel, Mitchell W. Fleischmann. Defendant, Pioneer Condominium Association of Sun City West is represented by counsel, Thomas Burke. Today's proceeding is being conducted electronically using the GoToMeeting audio-video platform. All participants are appearing electronically. The official record is being maintained using the FTR system.

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

Argument is heard.

Based on the matters presented,

SUPERIOR COURT OF ARIZONA
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IT IS ORDERED taking Plaintiff's April 24, 2020 Motion for Summary Judgement on Complaint under advisement.

9:39 a.m. Matter concludes.

Later

This case has been pending for over a year. For the first time at oral argument, Defendant argued that A.R.S. § 33-1227(D)—which is at the core of this lawsuit—does not apply to the declaration here because the statute was enacted after the declaration was in place. The court needs additional briefing on that issue, both on the merits and regarding the issue of waiver. The court will order supplemental briefing, and will rule after that without further oral argument.

IT IS ORDERED that Defendant file a supplement to the Response and Cross-Motion no later than September 4, 2020, and Plaintiff file a supplement to their Reply no later than September 18, 2020. If counsel agree to adjust those dates, they should notify court staff.