

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2023-054360

08/06/2024

HONORABLE MELISSA IYER JULIAN

CLERK OF THE COURT  
A. Delgado  
Deputy

CORTINA HOMEOWNERS ASSOCIATION

KATHRYN A BATTOCK

v.

CLINT PARKERSON, et al.

ALLISON SERGENT  
19010 E CATTLE DR  
QUEEN CREEK AZ 85142  
LAURENCE G TINSLEY  
JUDGE JULIAN

**Order Granting Unopposed Motion for Summary Judgment**

The Court has considered Plaintiff's Motion for Summary Judgment filed on June 21, 2024, and Plaintiff's Motion for Summary Disposition, filed August 2, 2024. Defendants Clint Parkerson and Allison Sargent did not file a Response nor a request for additional time to submit a response.

The failure to respond to a motion may be treated as consent to its being granted. Ariz. R. Civ. P. 7.1(b). Moreover, an unopposed motion for summary judgment will be granted unless the moving party fails to present facts showing the absence of any materially disputed issue of fact. *E.g., Biondo v. General Motors Corp.*, 5 Ariz. App. 286, 291, 425 P.2d 856, 861 (1967) (affirming summary judgment); *see also Siner v. Stewart*, 9 Ariz. App. 101, 103, 449 P.2d 635, 637 (1969) (same). When, as here, the party against whom the motion is directed fails to respond, the facts asserted by the moving party are assumed to be true. *E.g., Sato v. Van Denburgh*, 123 Ariz. 225, 599 P.2d 181 (1979) (affirming summary judgment); *Schuldes v. National Surety Corp.*, 27 Ariz. App. 611, 617, 557 P.2d 543, 549 (App. 1976) (same). The motion and its accompanying statement of facts establish that there are no material facts in dispute that preclude granting the motion.

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**IT IS ORDERED** granting Plaintiff's Motion for Summary Judgment filed on June 21, 2024.

This is an action arising out of a contract.

**IT IS ORDERED** that not later than 20 calendar days after the entry of this order, Plaintiff may submit an application for an award of attorney's fees and statement of costs. If an application or statement is submitted that Defendants wish to oppose, a response must be filed not later than 20 calendar days after service. Plaintiff is not permitted to file a reply unless requested to do so by the court.

**IT IS FURTHER ORDERED** that not later than 20 calendar days after the entry of this order, Plaintiff must also submit a proposed form of judgment, leaving blank spaces for attorney's fees and taxable costs. That form of judgment may incorporate by reference what is said here but otherwise should be confined to the amounts being awarded along with Rule 54(c) language.