

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-005607

09/26/2022

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
K. Cabral
Deputy

RUSSELL RANCH HOMEOWNERS
ASSOCIATION INC

GREGORY A STEIN

v.

TIMOTHY J HANSON, et al.

ROBERT J MCGEE

JUDGE VIOLA

MINUTE ENTRY

The Court has reviewed and considered Plaintiff's Motion for Voluntary Dismissal of Complaint Without Prejudice Pursuant to Ariz. R. Civ. P. 41(a)(2) filed August 5, 2022, the Response and Supplemental Response, and Reply. Plaintiff asks the Court to dismiss the matter without prejudice and without any order awarding attorneys' fees and costs to Defendants. No counterclaim is pending. Defendants ask the Court to dismiss but request an award of attorneys' fees and costs.

Under Rule 41(a)(2), the Court may dismiss the action at Plaintiff's request on terms the Court considers proper. The Court has weighed the competing equities and concludes that a dismissal with prejudice without an award of attorneys' fees and costs is the fairest to all parties concerned. Here, Plaintiff sought an injunction related to an alleged violation of a CC&R. Plaintiff withdrew the request as part of a return hearing and no briefing on the injunction or hearing followed. The lawsuit was filed May 3, 2022. Defendants filed an Answer on June 8, 2022. The parties attended a ten minute status conference on June 23, 2022 during which Plaintiff waived their request for a preliminary injunction and the Court set a bench trial for September 29, 2022. Plaintiff filed their Motion to Dismiss on August 5, 2022 and the parties stipulated to vacate the pending dates and deadlines on August 9, 2022. The Court

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concludes and award of attorneys' fees and costs is inappropriate in light of the case history and limited nature of the case.

IT IS ORDERED granting Plaintiff's Motion for Voluntary Dismissal of Complaint Without Prejudice Pursuant to Ariz. R. Civ. P. 41(a)(2). The Court declines to impose any additional terms related to the dismissal.