

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-002759

10/04/2023

HONORABLE SUSANNA C. PINEDA

CLERK OF THE COURT
J. Holguin
Deputy

PAUL GOUNDER

PAUL GOUNDER
3655 N 5TH AVE # 205
PHOENIX AZ 85013

v.

ROYAL RIVIERA H O A

CHARLES D ONOFRY

JUDGE PINEDA

RULING

The Court has reviewed Plaintiff's Motion entitled "Plaintiff's Objection on Ruling by the Court dated 8-15-2023 and Motion to Order Defendant to have page and paragraph number and redo his Motion to Partial Dismiss filed on 5-10-2023 and Vacate the Ruling." The Court has also reviewed Defendant's Response filed on September 18, 2023. In Defendant's Response, Defendant's ask that the Court impose sanctions on Plaintiff for misuse of the court process, including repetitive motions seeking to have the court reverse its previous rulings. Plaintiff's current Motion is repetitive, again asking the Court to reconsider dismissal of numerous counts and the other 3rd party "plaintiffs" from Plaintiff's Pro Se Amended Complaint. Plaintiff, as of today's date, has not responded to Defendant's requests for sanctions.

A.R.S. Section 12-349 gives the Court discretion to issue attorneys fees for when a party: 1. Brings or defends a claim without substantial justification, 2. Brings or defends a claim solely or primarily for delay or harassment, or 3. Unreasonably expands or delays the proceeding. "Without substantial justification" means that the claim or defense is groundless and is not made in good faith.

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The Court notes that Plaintiff's actions in filing repetitive motions and apparently failing to meet and confer with Defendant has resulted in delays in litigation. Although the Court has discretion to do so, the Court will not impose sanctions at this time. Plaintiff, however, is advised to follow the rules of civil procedure. As noted by Judge Rea, although Plaintiff is representing himself "pro se," Plaintiff is required to abide by the rules in presenting his case.

IT IS ORDERED denying Plaintiff's Motion, which the Court treats as a Motion for Reconsideration.

IT IS FURTHER ORDERED denying Defendant's requests for sanctions without prejudice.