

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-002759

10/11/2023

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

CODY FIERRO
JUDGE PINEDA

RULING

This Court has reviewed Plaintiff's "Motion to Declare all Action Taken in the Meeting Minutes Null and Void", Defendant's response and Plaintiff's reply. It appears that Plaintiff seeks summary judgment on the issue of the validity of certain actions of Royal Riviera Condominium Homeowners Association based on allegedly improperly kept association minutes.

MOTION FOR SUMMARY JUDGMENT

A motion for summary judgment should be granted "if the facts produced in support of the claim or defense have so little probative value, given the quantum of evidence required, that reasonable people could not agree with the conclusion advanced by the proponent of the claim or defense." *Orme Sch. v. Reeves*, 166 Ariz. 301, 309 (1990); Ariz. R. Civ. P. 56(c)(1).

The party moving for summary judgment must produce evidence that it believes demonstrates the absence of a genuine issue of material fact and must explain why summary

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judgment is warranted. *Nat'l Bank of Ariz. v. Thruston*, 218 Ariz. 112, 115 (App. 2008). If the nonmoving party has the burden of proof of the claim ... at trial, the moving party need not disprove the nonmoving party's claim ... but need only point out the lack of evidence on an essential element of the claim. *Thruston*, 218 Ariz. at 117; see also *Vig v. Nix Project II P'ship*, 221 Ariz. 393, 396 (App. 2009) (Emphasis added, irrelevant language omitted). If the moving party meets its burden, the burden shifts to the nonmoving party to present sufficient evidence demonstrating the existence of a disputed fact. *Thruston*, 218 Ariz. at 119. The nonmoving party cannot then rest on its pleadings but must call to the court's attention evidence to explain why the motion should be denied. *Id.* "If the party with the burden of proof on the claim ... cannot respond to the motion by showing that there is evidence creating a genuine issue of fact on the element in question, then the motion for summary judgment should be granted." *Orme Sch. v. Reeves*, 166 Ariz. 301, 310 (1990).

Here, Plaintiff claim that abbreviating the homeowner association name on the minute entries invalidates the actions of the board is not supported by any law. Nor does he present any law in support of his motion.

As such,

IT IS ORDERED denying Plaintiff's Motion to Declare all Action Taken in the Meeting Minutes Null and Void.