

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-090807

10/28/2025

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
K. Johanson
Deputy

FAISAL ELHASSAN

FAISAL ELHASSAN
869 E KRISTA WAY
TEMPE AZ 85284

v.

COVENTRY TEMPE COMMUNITY
ASSOCIATION, et al.

LORI N BROWN

SOLOMON SCOTT KROTZER
JUDGE MCDOWELL

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

Pending before the Court is Defendant *Coventry Tempe Community Association's Motion for Summary Judgment* filed July 25, 2025 and Plaintiff Faisal Elhassan's September 22, 2025 *Response to Defendant's Motion for Summary Judgment*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 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 or defense at trial, the moving party need not disprove the nonmoving party's claim or defense, but need only point out the lack of evidence on an essential element of the claim or defense. *Thruston*, 218 Ariz. at 117; see also *Vig v. Nix Project II P'ship*, 221 Ariz. 393, 396 (App. 2009). 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

¹ Plaintiff filed a Motion for Extension of Time to Respond to the Motion for Summary Judgment on August 26, 2025. That motion was not fully briefed when Plaintiff filed his Response.
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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 or defense 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).

Mr. Elhassan contends there is a genuine issue of material fact, but all of his factual references relate to matters that have been fully and finally determined in CV2021-001103. Mr. Elhassan challenges that court's entry of judgment, the default, and the satisfaction of that judgment. To the extent that Mr. Elhassan has any dispute about those findings, they should have been raised in matter CV2021-001103 not in a separate proceeding. Further the Association's *Motion* and the supporting evidence establish the amount asserted by the Association and Mr. Elhassan's *Response* and *Affidavit in Support* do nothing but claim that calculation is inaccurate. Mr. Elhassan has not produced any documents, receipts, cancelled checks, bank statements, or other evidence to dispute the ledger of charges and credits attached to the Association's statement of facts. Mr. Elhassan has not met his burden of proof to establish a genuine issue of fact.

The Court does not find any genuine issue of material fact exists which would preclude granting the Association's Motion for Summary Judgment.

IT IS ORDERED granting Defendant's *Motion for Summary Judgment* in its entirety.

IT IS ORDERED on or before **November 5, 2025** Defendant shall lodge a proposed form of judgment and if Defendant is seeking an award of attorney fees and/or costs, Defendant shall file an application (and supporting affidavit) for fees and costs by that date. Any response/opposition to the request for fees and/or costs shall be filed by **November 12, 2025**. No reply in support of an application for fees and costs shall be filed.