

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-091592

11/19/2014

HON. MARK F. ACETO

CLERK OF THE COURT
M. Scott
Deputy

ANTHONY CAMBONI, et al.

ANTHONY CAMBONI
PO BOX 5565
SUN CITY WEST AZ 85376

v.

GOLDEN HILLS H O A, et al.

JONAH E RAPPAZZO

YOUVE GOT BETTER THINGS TO DO
INC
NO ADDRESS ON RECORD
SHANNON CHABOUDY
12910 W RINCON DR
SUN CITY WEST AZ 85375
CHAD M GALLACHER
DOCKET-CIVIL-SE

MINUTE ENTRY

Defendants in this case include Heywood Realty & Investment, Inc., Golden Hills Homeowners' Association, Marcus Klingler, Cassidi Klingler, Adam Brandt, Jana Brandt, John Baroldy, Angie Baroldy, Lou Dissette, and Peggy Dissette. In this Minute Entry the Court will refer to this group collectively as "Defendants".

On October 14, 2014, Defendants filed a "Motion to Dismiss Plaintiffs' First Amended Complaint". The Court has reviewed the pleadings. Pursuant to Rule 7.1, the Court declines to schedule oral argument.

FIRST AMENDED COMPLAINT

The Court makes note of the following:

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- Plaintiffs filed their original Complaint on January 14, 2014.
- On July 1, 2014, Defendants filed a “Motion to Dismiss”.
- Rule 15 establishes the deadline for filing an amended complaint without leave of Court. In this case, the deadline for filing an amended complaint without leave of Court was July 21, 2014 (i.e. the date on which Plaintiffs’ response to Defendants’ “Motion to Dismiss” was due).
- Plaintiffs did not file their “First Amended Complaint” until September 11, 2014. Plaintiffs did not obtain leave of Court before filing their “First Amended Complaint”.

Under the circumstances,

IT IS ORDERED striking Plaintiffs’ “First Amended Complaint” as to the above-named Defendants.

CLAIMS OF YGBTTD

One of the Plaintiffs in this case is You’ve Got Better Things To Do, Inc. (“YGBTTD”). Regarding the claims of this Plaintiff, the Court makes note of the following:

- YGBTTD is a corporation.
- A corporation may appear in Arizona Superior Court only through an attorney authorized to practice law in Arizona. *Ramada Inns, Inc. v. Lane & Bird Advertising, Inc.*, 102 Ariz. 127 (1967). Thus, unless represented by an attorney authorized to practice law in Arizona, a corporation may not file pleadings in this Court.
- YGBTTD has never been represented by an attorney in this case. For example, an attorney did not sign the “Complaint” filed on January 14, 2014.

Given all of the circumstances, including but not limited to those discussed above,

IT IS ORDERED dismissing all claims of YGBTTD against the moving Defendants.

REMAINING CLAIMS

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The Complaint filed on January 14, 2014 appears to have been signed by both Plaintiff Camboni and Plaintiff Chaboudy. In the pending “Motion to Dismiss Plaintiffs’ First Amended Complaint”, Defendants have not attacked the sufficiency of the Complaint filed on January 14, 2014. Under the circumstances,

IT IS ORDERED establishing **December 11, 2014** to be the deadline for Defendants to file either an answer or some other responsive pleading regarding the claims asserted therein by the remaining Plaintiffs.