

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-095178

11/21/2016

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT

I. Ostrander

Deputy

SUNDANCE RESIDENTIAL HOMEOWNERS
ASSOCIATION INC

JAVIER B DELGADO

v.

LORRI GLAWE, et al.

JONATHAN A DESSAULES

RULING/FINAL JUDGMENT

The Court has read the following:

- Defendants' *Motion for Reconsideration* electronically filed on September 27, 2016;
- *Plaintiff's Response to Defendants' Motion for Reconsideration* electronically filed on October 24, 2016; and
- *Reply in Support of Defendants' Motion for Reconsideration* electronically filed on November 8, 2016.

- *Defendants' Application for Attorneys' Fees* electronically filed on September 27, 2016;
- *Affidavit of Douglas C. Wigley in Support of Defendants' Application for Attorneys' Fees* electronically filed on September 27, 2016;
- *Plaintiff's Objection to Defendants' Application for Attorneys' Fees and Costs* electronically filed on October 17, 2016; and
- *Reply in Support of Defendants' Application for Attorneys' Fees* electronically filed on October 31, 2016.

- *Plaintiff's Application for Attorneys' Fees and Costs* electronically filed on October 4, 2016;

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- *Plaintiff's Affidavit in Support of Application for Attorneys' Fees and Costs* electronically filed on October 4, 2016;
 - *Plaintiff's Statement of Costs* electronically filed on October 4, 2016;
 - *Defendants' Response to Plaintiff's Application for Attorneys' Fees and Costs* electronically filed on October 20, 2016;
 - *Defendants' Objection to Plaintiff's Statement of Costs* electronically filed on October 7, 2016;
 - *Plaintiff's Reply in Support of Statement of Costs* electronically filed on October 19, 2016; and
 - *Plaintiff's Reply in Support of Application for Attorneys' Fees and Costs* electronically filed on November 1, 2016.
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- *Plaintiff's Notice of Lodging Proposed Rule 54(C) Final Judgment* electronically filed on October 4, 2016.

Both parties have submitted a Fee Application and contend they are the prevailing party per A.R.S. § 12-341.01(A).

Although each side did prevail on certain issues in the case, the Court finds, under the totality of circumstances, the Plaintiff was the prevailing party. As to the issue of the amount of fees, the Court has considered all relevant factors and the positions of the parties.

IT IS ORDERED awarding Plaintiff \$7,500.00 in fees and legal costs only of \$2,364.25.

IT IS FURTHER ORDERED denying Defendants' Motion for Reconsideration.

The Court incorporates herein its Ruling by Minute Entry dated September 14, 2016.

The Court will not enter the form of Judgment submitted by Plaintiff.

IT IS ORDERED signing this minute entry as a final written Judgment of the Court.
The Court notes that no further matters remain pending and the order is entered pursuant to Rule 54(c), Arizona Rules of Civil Procedure.

DATED this 21st day of November 2016.

/S/ HONORABLE ROBERT H. OBERBILLIG

HONORABLE ROBERT H. OBERBILLIG
JUDICIAL OFFICER OF THE SUPERIOR COURT