

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-001187

12/11/2013

HON. JOHN REA

CLERK OF THE COURT
L. Gilbert
Deputy

SANDS SCOTTSDALE TOWNHOUSES I & I I, STEVEN W CHEIFETZ
et al.

v.

SANDS SCOTTSDALE HOME OWNERS CHAD PHILIP MIESEN
ASSOCIATION, et al.

MINUTE ENTRY

The parties have filed supplemental memoranda on the issues of whether the 6-2-1 ByLaw and the removal of cumulative voting violated Article IX, section 2 of the Master Declaration, which prohibits actions that would discriminate against any owner in favor of other owners. The challenged provisions apply equally to all owners. They do not, on their face, discriminate against Townhouse owners. As the Plaintiffs point out in their supplemental memorandum, if there is evidence that an action has a disparate impact on an affected party, there may be a finding of discrimination. The factual record does not establish a disparate impact as a matter of law.

IT IS ORDERED Plaintiff's Motion for Summary Judgment on the issues of the 6-2-1 ByLaw and removal of cumulative voting is denied.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.