

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-007391

12/20/2016

COMMISSIONER MICHAEL L. BARTH

CLERK OF THE COURT
A. Aycock
Deputy

DOS RIOS COMMUNITY ASSOCIATION

EDWARD D OBRIEN

v.

ISABELLE M TRASLAVINA, et al.

ISABELLE M TRASLAVINA
11821 W ELECTRA LN
SUN CITY AZ 85373

EDWARD D TRASLAVINA
11821 W ELECTRA LN
SUN CITY AZ 85373
JUDGE BUSTAMANTE

MINUTE ENTRY

The Court is in receipt of Plaintiff's Response to Motion to Set Aside Judgment Entitled Responding to Case, filed December 7, 2016. Upon review of the electronic court docket, the Court notes that Defendants mistakenly asserted in their pleading, entitled "Responding to Case," filed on November 21, 2016, that "Now I just received a default of judgment...." In reliance on Defendant's assertion that Default Judgment had been granted, this Court treated the pleading as a motion to set aside default judgment. However, review of the court record reflects that a default judgment has never been entered and that the pleading was apparently filed by Defendants in response to Plaintiff's Application for Entry of Default, filed on November 17, 2016.¹ Accordingly, in view of the foregoing,

¹ It appears that Defendant's pleading did not appear on the court docket and that the assigned trial judge, the Honorable Judge Bustamante, was unaware of its filing when she issued the minute entry, dated November 28, 2016, referring the matter to Commissioner Barth.

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IT IS ORDERED referring the matter back to Judge Bustamante for ruling on whether the Defendants' pleading constitutes a sufficient response to Plaintiff's Application for Entry of Default to preclude entry of default. Plaintiff contends in its Response to Motion to Set Aside Judgment, filed December 7, 2016, that Defendant's pleading does not constitute a sufficient response and that Plaintiff is entitled to entry of default. Defendants' deadline for filing a reply to Plaintiff's Response was December 19, 2016; that deadline has expired and Defendants have not filed a reply. The matter is ripe for ruling.