

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-003271

12/06/2024

HONORABLE SUSANNA C. PINEDA

CLERK OF THE COURT
C. Lacey
Deputy

VAL VISTA CLASSIC COMMUNITY
ASSOCIATION

NIKITA VERMA PATEL

v.

LEVI ROSENBAUM

LEVI ROSENBAUM
1639 E CHELSEA LN
GILBERT AZ 85295

JUDGE PINEDA

MINUTE ENTRY

The Court has reviewed Defendant's Response, Motion to Dismiss and [Proposed Orders].

IT IS ORDERED treating Defendant's Response as the Answer to the Complaint.

The Court has also reviewed Defendant's Motion to Dismiss and Plaintiff's Response to the Motion to Dismiss. No reply has been filed.

In his Motion to Dismiss, Defendant apparently argues that he was precluded from making payments by lack of access to the payment portal. Plaintiff denies the allegation. However, the Court notes that Plaintiff's claim of lack of access (affirmative defense) is an issue to be addressed at trial and not in a Motion to Dismiss.

Therefore,

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IT IS ORDERED denying Defendant's Motion to Dismiss based on a potential affirmative defense.

Defendant also appears to claim that service was improper. Defendant has provided no proof that service was not accomplished as permitted by the Arizona Rules of Civil Procedure.

Therefore,

IT IS ORDERED denying Defendant's Motion to Dismiss for lack of service.