

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2014-000179-001 DT

05/06/2014

COMMISSIONER MYRA HARRIS

CLERK OF THE COURT

J. Eaton

Deputy

VELDA ROSE ESTATES HOME OWNERS
ASSOCIATION

CHARLES E MAXWELL

v.

EDITH POGGI (001)

EDITH POGGI
4132 N 3RD AVE #2
PHOENIX AZ 85013

JOSEPH I VIGIL
MESA JUSTICE CT-EAST
REMAND DESK-LCA-CCC
MCSO CIVIL DIVISION
111 S 3RD AVE
2ND FLOOR
PHOENIX AZ 85003

MINUTE ENTRY

Lower Court Case No. CC2012-132551.
Comm. Morrow's Case No. TJ 2013-003854.
MCSO File No. C286247.

Defendant-Appellant Edith Poggi (Defendant) filed a Request to file a Reply Memorandum. This Court previously addressed that request in its Minute Entry of May 2, 2014. At the time this Court ruled on Defendant's request this Court had not received a copy of Plaintiff Velda Rose Estates Homeowners Association's (Plaintiff's) opposition to Defendant's Request for a Reply Memorandum. For the reasons stated below, this Court allows Defendant's Reply Memorandum and denies Plaintiff's opposition to Defendant's request.

I. FACTUAL BACKGROUND.

This Court has addressed the factual background in its prior Minute Entries of May 1, 2014, and May 2, 2014.

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II. ISSUE: MAY DEFENDANT FILE A REPLY MEMORANDUM.

In this Court's Minute Entry of May 2, 2014, this Court granted Defendant's request to file a Reply Memorandum *nunc pro tunc*. At the time this Court ruled, this Court did not have Plaintiff's opposition to Defendant's request for a Reply Memorandum. LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge.

This Court has received Plaintiff's Procedural Motion Response—Refer To Superior Court—Response In Opposition To Appellant's Motion To Permit Reply Memorandum (Response). In that Response, Plaintiff re-iterated its argument about the untimeliness of Defendant's appeal. That argument has already been considered and this Court found Defendant's appeal was timely. Plaintiff's Response added nothing relevant about Defendant's request to file a Reply Memorandum. Superior Court Rules of Appellate Procedure—Civil (SCRAP—Civ. Rule 8(a)(1) allows this Court to authorize a reply memorandum.

III. CONCLUSION.

This Court has previously granted Defendant the opportunity to file a Reply Memorandum.

IT IS THEREFORE ORDERED denying all requests in Plaintiff's Procedural Motion Response—Refer To Superior Court—Response In Opposition To Appellant's Motion To Permit Reply Memorandum (Response).

IT IS FURTHER ORDERED that all future filings in this matter shall be filed with the Clerk of the Superior Court and a conformed courtesy copy shall be sent to the Judicial Officer.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court.

/s/ Myra Harris

THE HON. MYRA HARRIS
Judicial Officer of the Superior Court

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NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.