

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2018-000210-001 DT

07/02/2018

HONORABLE PATRICIA ANN STARR

CLERK OF THE COURT
C. Avena
Deputy

TOWN SQUARE HOMEOWNERS
ASSOCIATION

LORI L VOEPEL

v.

ROBERT A TOMICZEK (001)

CHRISTOPHER J BERRY

MOON VALLEY JUSTICE COURT
REMAND DESK-LCA-CCC

MINUTE ENTRY

Lower Court Case No. CC2015-144356RC.

The Court has considered two pending motions. The Court notes that neither party provided courtesy copies of their papers to this division, which does not participate in e-file, and thus the Court only became aware of the papers while checking the Court's docket for another purpose. The Court previously advised the parties that they must provide courtesy copies to this division. (See June 18, 2018 Minute Entry, filed June 19, 2018.) Counsel are reminded that because this division does not have access to e-file, simply filing a motion with the Clerk of Court is insufficient for this Court to be on notice that the motion has been filed; a courtesy copy **MUST** be provided to this division.

Motion to Strike

The court has considered Appellant's Motion to Strike Appellee's Issue 3, Argument IV, and Exhibits 1 and 1A to Appellee's Memorandum, as well as the Response and Reply. The Court will not consider any documents and/or exhibits not properly in the record on appeal, nor will the Court consider any settlement negotiations between the parties.

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Thus,

IT IS ORDERED granting the Motion to Strike in the following respect: the Court will not consider any matters not in the record on appeal.

The Court finds that neither attorneys' fees or sanctions are appropriate.

Thus,

IT IS ORDERED denying the requests for attorneys' fees and sanctions.

Motion for Leave to File Reply Memorandum

The Court has considered the Motion for Leave to File Reply Memorandum, as well as the Response and Reply. The Court finds that a Reply Memorandum would assist the Court in its determination of the matter, and that there is legal authority for the filing of such a memorandum upon leave of the Court.

Thus,

IT IS ORDERED granting the Motion for Leave to File Reply Memorandum.

IT IS FURTHER ORDERED the Reply Memorandum must be filed no later than July 24, 2018. A courtesy copy MUST be provided to this division.

IT IS FURTHER ORDERED denying the request for sanctions.

Because the Court has granted permission for Appellant to file a Reply Memorandum, this matter is no longer considered at issue.

The parties are notified that as of July 25, 2018, this division will be located in the East Court Building, Courtroom 613.

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 new filings.**