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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

**AZNH REVOCABLE TRUST,
by and through
JOHN and SUSAN SULLIVAN,
TRUSTEES, REAL PARTIES IN
INTEREST**

Plaintiff/Appellant

v.

**ARIZONA DEPARTMENT OF REAL
ESTATE,**

Defendant/Appellee

**SUNLAND SPRINGS VILLAGE
HOMEOWNERS ASSOCIATION,**

Defendant/Appellee

No. LC2025-000025-001

**REQUEST FOR RULING
ON PLAINTIFF'S MOTION
FOR EVIDENTIARY HEARING TO
INTRODUCE ADDITIONAL
EVIDENCE**

(Unclassified Civil)

**Assigned to
Hon. Joseph Mikitish**

1 NOW COMES THE PLAINTIFF/APPELLANT and respectfully requests a ruling on
2 *Plaintiff's Motion for Evidentiary Hearing to Introduce Additional Evidence* pursuant to A.R.S.
3 § 12-910 and JRAD Rule 10.

4 As shown below, Sunland Springs Village Homeowners Association received Plaintiff's
5 Motion on January 21, 2025, but has failed to file any Response within the time allowed by
6 JRAD Rule 10(D) [10 days for Response].

7 The Arizona Dept. of Real Estate has filed a Nominal Appearance in this matter via the
8 Arizona Attorney General.

9 On **November 30, 2024**, the official transcript of the administrative hearing was emailed to
10 Atty. Chad Gallacher, the attorney who represented Defendant, Sunland Springs Village
11 Homeowners Association, in the administrative hearing.

12 On **January 14, 2025**, this case began with filing of Notice of Action *and* Notice of Appeal
13 of Administrative Decision. That day, a copy of the Notice of Action was sent to Atty.
14 Gallacher by email along with a query – whether he would accept service of the Notice of
15 Appeal.

16 On **January 16, 2025**, Atty. Chad Gallacher sent a one sentence email to Plaintiff's counsel:
17 "The Association has approved me to accept service on their behalf."
18 He thereafter did not sign the acceptance of service provided to him despite follow-up request to
19 do so.

20 On **January 21, 2025**, the below case filings were delivered by email to Atty. Gallacher and
21 hand-delivered to his client:

- 22 • Proof of Service of Notice of Action
- 23 • **Plaintiff's Motion for Evidentiary Hearing to Introduce Additional Evidence**
- 24 • **Plaintiff's Memorandum in Support of Motion for Evidentiary Hearing**

25 Per JRAD Rule 10(D)(regarding responses to motions to add evidence to the record):

26 "Any party may file a response to the motion within 10 days after service of the
27 motion."

1 As of today, and not counting January 21st, it has been 24 days since Atty. Gallacher and
2 Sunland Springs Village Homeowners Association received Plaintiff's *Motion for Evidentiary*
3 *Hearing to Introduce Additional Evidence*.

4 On **January 30, 2025**, the Summons and Notice of Appeal of Administrative Decision
5 were served in-hand at the business office of Sunland Springs Village Homeowners Association.
6 It has been 15 days since January 30th.

7 As of today, Sunland Springs Village Homeowners Association has failed to appear or file a
8 Response to the Plaintiff's Motion, or otherwise defend this action in any way.

9 Plaintiff, AZNH Revocable Trust, respectfully requests, per A.R.S. § 12-910(B), that this
10 Honorable Court issue a ruling that the Plaintiff's supplemental evidence described in its
11 Memorandum (the electronic ballot and the fifty (50) second video) are now admitted as part of
12 the record on appeal.

February 14, 2025

Plaintiff/Appellant, AZNH Revocable Trust

By:

/s/ *John F. Sullivan*

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CERTIFICATE OF SERVICE

A copy hereof shall be hand-delivered on February 14, 2025, to:

Sunland Springs Village Homeowners Assoc. at their office located at 11214 E. Laguna Azul
Circle, Mesa, AZ 85209.

A copy hereof shall be sent by email on February 14, 2025, to:

Atty. Chad Gallacher and Atty. B. Austin Baillio (counsel for Sunland Springs Village Homeowners Assoc.) at their email address: cgallacher@hoalaw.biz and abailio@hoalaw.biz.

Asst. Atty. General Lynette Evans (counsel for Az. Dept. of Real Estate) at her email address Lynette.Evans@azag.gov

Judge Mikitish's Judicial Assistant at joel.grajeda@jbazmc.maricopa.gov.

/s/ *John F. Sullivan*

Attorney for Plaintiff/Appellant