

PLAINTIFF'S HEARING EXHIBIT 1

Interrogatory #4 and Defendant's Response (2 pages)

Interrogatory #4.

Your Rule 26.1, Initial Disclosure Statement, sec. II (Legal Theories of Defense) dated March 15, 2024, states:

“A.R.S. § 33-1804(C) expressly provides: ‘Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, the board shall identify the paragraph under subsection A of this section that authorizes the board to close the meeting’.”

Records produced by SSV HOA to Plaintiff (AZNH Revocable Trust) show that the Board of Directors for SSV HOA met in a closed session on the following dates: Jan. 20, 2023; Feb. 21, 2023; April 21, 2023; July 21, 2023; Sept. 15, 2023; Oct. 20, 2023; and, Nov. 17, 2023. The records showing the above-referenced meeting dates are marked by SSV HOA as: SSHOA000123 through SSHOA000146.

For each matter or issue receiving consideration on the above closed meeting dates by the SSV HOA Board of Directors, and with respect to your Rule 26.1 Disclosure of Legal Theories of Defense, **describe in detail** where, when and how the Board complied with the requirement of A.R.S. § 33-1804(C) to “identify the paragraph under subsection A of this section that authorizes the board to close the meeting” and **include in your response the identity of the document or documents (or meeting minutes)** which describe, discuss, demonstrate, memorialize or record any or all of the actions by the SSV HOA Board of Directors to identify the paragraph under subsection A of A.R.S. § 33-1804 which authorized the board to meet in closed session.

[See Defendant’s “Response” Next Page]

RESPONSE: This information is set forth in the document production that accompanied SSV HOA's Rule 26.1 Initial Disclosure Statement. Please see the Board of Directors Meeting Notices produced as SSHOA000001 through SSHOA000021. Each of the referenced documents identifies the statutory subsection that allowed the Association to go into executive session. Answering further, SSV HOA complied with the requirement of A.R.S. § 33-1804(C) – which provides full: “Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, the board shall identify the paragraph under subsection A of this section that authorizes the board to close the meeting” – by providing notice to the community of an upcoming closed executive meeting.

In advance of each Board of Directors Meeting (open session), the SSV HOA members receive an electronic notification of the meeting. While unrequired, such electronic notification contains the following statement as a voluntary and transparent communication to homeowners about the nature and notice of closed session meetings:

Executive Session Board Meetings - Per Arizona state law, there are some topics of Association business that are considered confidential and are not open to homeowners or residents unless specifically invited by the Board. If invited, the homeowner is only in attendance for the portion of the meeting they are directly involved with. Notice of executive session meetings will be posted on the bulletin board outside the office and conform to state law.