

Atty. JOHN SULLIVAN  
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Attorney for Plaintiff

**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

v.

**SUNLAND SPRINGS VILLAGE**  
**HOMEOWNERS ASSOCIATION,**

Defendant

No. CV2023-096192

**Plaintiff's Request for Costs**

**Tier 2 Case**

**Assigned to:**  
**Honorable Rodrick Coffey**

1 Prior to litigation, the Trust sent a letter to the HOA about open meeting requirements. Atty.  
2 Chad Gallacher responded for the HOA and stated that no changes would be made. Thereafter,  
3 the HOA refused to further discuss the matter and they continued to meet secretly to take formal  
4 actions. Had the HOA engaged in discussions, this suit may have been unnecessary or the issues  
5 may have been more limited.

6 After litigation began, the HOA refused on two occasions to comply with discovery. That  
7 refusal led to additional filing costs and two court hearings resulting in Orders to comply.

8 Under the open meeting statute, homeowners must have an opportunity to speak about any  
9 matter before the Board takes formal action. Through observation of the Board's formal actions,

1 homeowners have an opportunity to scrutinize the conduct of the Board members and form an  
2 opinion about whether the Board is conducting business and spending money in a manner which  
3 best serves the interests of the homeowners.

4 The Trust has expended considerable time and money securing its rights under the Planned  
5 Communities Act. The Court's finding that the HOA Board may not vote or take formal action  
6 in a closed session benefits not only the Trust, but also the approximately 4,000 residents in  
7 Sunland Springs Village.

8 The Trust utilized the declaratory judgment act for the very purpose of minimalizing the  
9 impact on the HOA. The Trust did not seek injunctive or coercive relief. *See, e.g.*, A.R.S. § 10-  
10 3304 (granting homeowners authority to challenge and enjoin the HOA's unlawful acts).

11 Based upon the overall misconduct of the HOA, the restraint used by the Trust to secure its  
12 statutory rights, and the benefit which the Trust has conferred on the community, it is both  
13 equitable and just to allow the Trust to recover its costs (which are less than \$500) from an HOA  
14 which has gross annual income exceeding \$2.3 million. See accompanying Affidavit of Costs.

15 The Trust respectfully requests its costs pursuant to A.R.S. § 12-1840.

16 The Homeowner respectfully requests such other and further relief for the Trust as this  
17 Honorable Court deems appropriate and proper.

18  
19 Dated: March 23, 2025

*/s/ John F. Sullivan*

20 John F. Sullivan, Esq. (Bar # 023018)

21 Attorney for Plaintiff

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27  
28 CERTIFICATE OF SERVICE

29  
30 A copy hereof was served this date upon Defense counsel via the Court's electronic filing  
31 service.

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2  
3  
4

/s/ *John F. Sullivan*

John F. Sullivan, Esq. (Bar # 023018)  
Attorney for Plaintiff