

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.

**SUSAN NICOLSON,
COMMISSIONER,
ARIZONA DEPARTMENT OF
REAL ESTATE**

and

**TAMMY EIGENHEER,
INTERIM DIRECTOR,
ARIZONA OFFICE OF
ADMINISTRATIVE HEARINGS**

and

**SUNLAND SPRINGS VILLAGE
HOMEOWNERS ASSOCIATION,**

Defendants

No. CV2026-008484

Expedited Consideration Requested

**Plaintiff's
Restated Request
for
Stay of Proceedings**

**Assigned to the
Hon. Adele Ponce**

NOW COMES THE PLAINTIFF restating a request for stay of proceedings.

Plaintiff (“AZNH”) filed a Verified Complaint for Original Special Action relief which included a request for a stay of proceedings before an Administrative Law Judge (“ALJ”) in the Office of Administrative Hearings (“OAH”). Their docket # 25F-H115-REL.

On March 20, 2026, AZNH obtained documentary evidence from the Defendant (“HOA”) which fully supports the allegations in the Complaint.

On March 22, 2026, AZNH filed a Motion for Judgment on the Case Filings which includes the newly obtained evidence. That Motion contains references to the evidence and the applicable statutes which warrant granting Special Action relief to AZNH.

No Defendant has yet Answered the Complaint or Responded to the above-referenced Motion – they have time remaining to do so.

As noted in the Complaint and the above Motion, the OAH is about to conduct a hearing on April 6, 2026. The Complaint and Motion both describe why that hearing, as a matter of law, should not be held.

This Court has scheduled a Show Cause hearing on March 27, 2026; that is only ten (10) days before the OAH hearing.

The Court needs time to consider the Complaint, the Answer, the Motion for Judgment on the Case Filings, the Response(s) of the Defendants, the Reply of AZNH, and all evidence and law applicable to this Original Special Action – all before any OAH hearing is held.

RPSA 9 provides the Court with authority to issue a stay of any action or proceeding in the OAH **with or without notice to the Defendants.**

A stay is warranted here for two reasons: (1) AZNH alleges it has been deprived of a substantive procedural right and the associated benefit which cannot be recovered by awaiting an appeal, i.e., a default decision and avoiding litigation. See Complaint ¶ 42, citing *Desert Mountain Energy Corp. v. Flagstaff*, 259 Ariz. 346 ¶ 15 (2015) (Special Action jurisdiction appropriate because avoiding litigation is a benefit which cannot be remedied by appeal.) And,

(2) there is insufficient time for the Court to consider and decide the pending matters prior to the hearing scheduled for April 6, 2026.

The timely issuance of a stay shall allow the ALJ and all parties to adjust their individual schedules.

Relief

AZNH restates its request for Stay and asks the Court to *forthwith* issue a stay to be effective until the Court issues further Orders or issues a final judgment.

A proposed Order was filed with the Clerk of Court and electronically sent to this Court (as well as the Defendants) on March 22, 2026.

Respectfully submitted,

Dated this 24th day of March, 2026.

/s/ John F. Sullivan

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Certificate of Service

A copy hereof shall be sent via the Court's electronic filing and delivery system this date, to:

Asst. Attorney General Deanie Reh (counsel for Az. Dept. of Real Estate) at
Deanie.Reh@azag.gov;

Asst. Attorney General Raya Gardner (counsel for Az. Dept. of Real Estate) at
Raya.Gardner@azag.gov; and,

Asst. Attorney General Kara Karlson (counsel for Tammy Eigenheer, Interim Director, Arizona Office of Administrative Hearings) at Kara.Karlson@azag.gov.

Atty. Chad Gallacher (counsel for Sunland Springs Village Homeowners Association) at
cgallacher@hoalaw.biz.

Copy sent also to the Judicial Assistant of:
Hon. Adele Ponce (cvj06@jbazmc.maricopa.gov)

/s/ *John F. Sullivan*

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