

10/7/2016 8:00am.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-012434

10/05/2016

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT  
D Arrieta  
Deputy

PATRICIA BOCCHINO

JONATHAN A DESSAULES

v.

FOUNTAIN SHADOWS HOMEOWNERS  
ASSOCIATION

CHAD PHILIP MIESEN

DEBORA L VERDIER

**FINAL JUDGMENT**

The court previously granted summary judgment in favor of plaintiff Patricia Bocchino. [Minute Entry (7/27/16)] As permitted by A.R.S. §12-341.01(A), an application for awards of attorney's fees was filed on plaintiff's behalf. The court has considered the application and the response filed on behalf of defendant Fountain Shadows Homeowners Association.

This was not a complex case. The relevant issues were well-settled, uncomplicated questions of law for which little, if any, discovery was required.

An award of attorney's fees in a case such as this is intended to mitigate the expense of litigation and "need not equal or relate to the attorney's fees actually paid or contracted." A.R.S. §12-341.01(B). Further, a trial judge is permitted to rely on his personal knowledge and experience when deciding an award that is appropriate in the circumstances. *See Baum v. Baum*, 120 Ariz. 140, 146, 584 P.2d 604, 610 (App. 1978) (when determining reasonable attorney's fees, the "trial judge can draw upon his knowledge of the case and upon his personal experience"); *see generally Walker v. Kendig*, 107 Ariz. 510, 513, 489 P.2d 849, 852 (1971) (when making a discretionary determination, the trial court may rely on "personal wisdom and experience" (citation and internal quotation marks omitted)). Given the foregoing principles, the court has concluded that an attorney's fee award of \$13,625.00 is appropriate here.

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Plaintiff is also entitled to an award of taxable costs. A.R.S. §12-341. The amount requested (\$450.10) appears in order and is uncontested.

**IT IS ORDERED:**

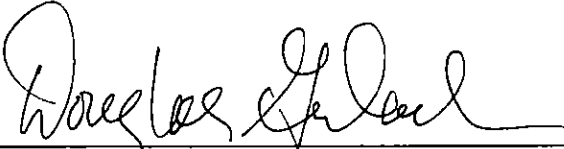
1. Judgment is granted in favor of plaintiff Patricia Bocchino and against defendant Fountain Shadows Homeowners Association in the following amounts:

- a. \$3,887.28 as compensatory damages.
- b. \$13,625.00 as attorney's fees.
- c. \$450.10 as taxable costs.

2. Interest accrues on the amounts stated in the preceding paragraph at the rate of 4.5 percent annually (not compounded).

No matters remain pending in this case. This is a final judgment under Ariz. R. Civ. P. 54(c).

Date: October 6, 2016



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HONORABLE DOUGLAS GERLACH  
JUDGE OF THE SUPERIOR COURT