

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2021-019511

04/19/2024

HONORABLE JOAN M. SINCLAIR

CLERK OF THE COURT  
M. Dern/C. Hall  
Deputy

JENNIFER DUNCAN, et al.

RODNEY GALARZA

v.

LABLONDE DEVELOPMENT  
CORPORATION, et al.

BENJAMIN J BRANSON

J GREGORY CAHILL  
DANIELLE EDMONDS  
JUAN LOPEZ  
7714 W WELDON AVE  
PHOENIX AZ 85033  
RICHARD V MACK  
RINA K RAI  
KURT M ZITZER  
JUDGE SINCLAIR

MINUTE ENTRY

The Court has reviewed Plaintiffs' *Motion for Reconsideration*, received on February 24, 2024; *Defendants LaBlonde Development Corporation and Thomas J. LaBlonde Jr.'s* ("Defendants") *Response to Plaintiffs' Motion for Reconsideration*, filed on March 25, 2024; and Plaintiffs' *Reply re: Motion for Consideration*, filed on April 5, 2024. These pleadings refer to the Court's minute entry ruling filed on February 9, 2024.

Motions for reconsideration generally should not contain new arguments or information which could have been, but were not, provided in the underlying pleadings. *Evans Withycombe, Inc. v. Western Innovations, Inc.*, 215 Ariz. 237, 240, ¶ 15 (App. 2006) (citation omitted). While

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2021-019511

04/19/2024

the Court has provided the Defendants with the opportunity to respond, the Plaintiffs here provide no reason for why the arguments made in this motion for reconsideration were not brought in their response to the summary judgment motion. The Plaintiffs had every opportunity to do so; the Court reviewed the full briefing of the parties and heard oral argument on the motion before taking the matter under advisement.

Now, after the Court has ruled, the Plaintiffs raise jurisdictional issues relative to the Registrar of Contractors (“ROC”) proceedings, they claim that the parties were not the same in the ROC proceedings, they had no reason to appeal the ALJ’s decision because it only concerned discipline, and the defects the Plaintiffs allege in their Complaint were different than those alleged in the ROC proceedings. Plaintiffs also attached expert reports that were not submitted with their Response to the motion for summary judgment. The reports were dated March 10, 2023, and were certainly available to the Plaintiffs on October 16, 2023, when their Response was filed, and on January 12, 2024, when oral argument took place.

Plaintiffs cite Rule 60(b)(1), (3), and (6) of the Arizona Rules of Civil Procedure in their *Motion for Reconsideration*. *Motion for Reconsideration*, p.1. Plaintiffs have not, however, adequately explained how the cited subsections of that Rule are implicated here when the evidence they now provide the Court was available to them months prior to the filing of the motion for summary judgment. Accordingly, because the Court considers the new arguments untimely,

**IT IS ORDERED** denying the Plaintiffs’ *Motion for Reconsideration*.