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Gallery Community Association

COURT OF APPEALS, DIVISION ONE

STATE OF ARIZONA

GALLERY COMMUNITY
ASSOCIATION, an Arizona non-profit
corporation,

Plaintiff/Appellant,

v.

K. HOVNANIAN AT GALLERY, LLC, et
al.

Defendants/Appellees,

Case No. 1 CA-CV 23-0375
Maricopa County
Superior Court
No. CV2020-008714

**MOTION FOR LEAVE TO FILE
AMENDED OPENING BRIEF**

Plaintiff Gallery Community Association (“Gallery”) respectfully moves for leave to file an Amended Opening Brief that includes a request for attorneys’ fees as required by ARCAP 21(a). The request for fees was inadvertently omitted from the Opening Brief filed last Friday, September 22, 2023. A corrected Opening Brief is lodged herewith. The amendment will cause no prejudice or delay. The

only change is the addition at page 58 of the Opening Brief of a request for attorneys' fees incurred on appeal pursuant to A.R.S. § 12-341.01 and *Wagenseller v. Scottsdale Memorial Hosp.*, 147 Ariz. 370 (1985).

DATED this 26th day of September, 2023.

BURG | SIMPSON | ELDREDGE | HERSH |
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By: */s/ Robert G. Schaffer*

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