

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-029900

07/08/2009

HONORABLE A. CRAIG BLAKEY II

CLERK OF THE COURT  
J. Rutledge  
Deputy

RICHARD GAYER

RICHARD GAYER  
526 W WILSHIRE DR  
PHOENIX AZ 85003

v.

WILLO NEIGHBORHOOD ASSOCIATION, et al.      JONATHAN D SCHNEIDER

RULING

The Court is in receipt of Defendants Willo Neighborhood Association and Bradley Brauer's Rule 12(b)(6) Motion to Dismiss Plaintiff's Complaint, Plaintiff's Memorandum opposing same, and Defendants' Reply thereto. Having considered the foregoing, the Court finds that it is unnecessary to have further argument as requested by the Defendants.

The Court finds that Plaintiff's Complaint fails to state a claim against Defendant Brauer. Accordingly,

IT IS ORDERED dismissing Plaintiff's claims against Defendant Brauer.

With respect to Plaintiff's Complaint against the Association, the Court finds that while Plaintiff's claim may not survive a motion for summary judgment, it does pass muster with respect to a 12(b)(6) Motion to Dismiss. Accordingly,

IT IS ORDERED denying Defendant Willo Neighborhood Association's Motion to Dismiss.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>