

RICHARD GAYER
526 West Wilshire Drive
Phoenix, AZ 85003
(602) 229-8954

July 16, 2009

MICHAEL KEANES, CLERK
BY
A. Z. KEANES
FILED

09 JUL 20 AM 11:36

The Honorable A. Craig Blakey, II
Maricopa County Superior Court
Juvenile Durango Facility
3131 West Durango
Phoenix, AZ 85009

The Honorable Eileen Willett
Maricopa County Superior Court
201 West Jefferson
Phoenix, AZ 85003

Michael K. Keanes
Clerk of the Maricopa County Superior Court
201 West Jefferson
Phoenix, AZ 85003

Re: Gayer v. Willo Neighborhood Association, case No. CV2008-029900
Defendants' Letter of July 14, 2009

Dear Judge Blakey, Judge Willett, and Mr. Keanes:

Defendants correctly state that Plaintiff filed a Notice of Dismissal *Without* Prejudice on June 19, 2009. They also reference the very recent ruling of Judge Blakey in which he denied Defendants' Motion to Dismiss under Rule 12(b)(6) as to the captioned Association.

Based on those facts, Plaintiff proposes that this case continue to summary judgment under Judge Blakey (or possibly Judge Willett) with the existing complaint (with Defendant Brauer effectively removed), and that Plaintiff pay the established fee to revive his case. Plaintiff also suggests that this case proceed as electronically filed, as recommended by Judge Blakey. If this be done, then Plaintiff suggests early compliance by the parties with Rule 26.1 and a short discovery period, followed by cross-motions for summary judgment under Rule 56. If not, then Plaintiff is prepared to refile his complaint as a new case, serve summons and complaint on the registered agent for the Association, and timely file a motion under Local Rule 3.1(d) of the Maricopa County Superior Court to reassign the case to Judge Blakey or Judge Willett (as the Court may deem appropriate).

Plaintiff has offered in writing to dismiss this case *with* prejudice in return for a few thousand dollars to be donated to the Association by a specified member of the Association who has profited significantly from litigation with Plaintiff (or, in the alternative, to Plaintiff himself), plus possibly a minor amendment to the Association's Bylaws, but Defendants have thus far ignored Plaintiff's offer.

Thank you for considering these proposals.

cc: Luane Rosen, Schneider & Onofry
Attorneys for Defendants.

Sincerely,

Richard Gayer