

1 DYER BREGMAN & FERRIS, PLLC
2 3411 N. 5th Avenue, Suite 300
3 Phoenix, Arizona 85013-3811
4 (602) 254-6008
5 Stockton D. Banfield #027789
6 sdb@dbfazlaw.com

7 WONG & CARTER
8 3003 N. Central Avenue, Ste. 1000
9 Phoenix, Arizona 85012
10 (602) 287-3360
11 Rick Carter #012660
12 rcarter@wongandcarter.com
13 Matthew A. Klopp #023313
14 mklopp@wongandcarter.com

15 Attorneys for Plaintiffs

16 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
17 **IN AND FOR THE COUNTY OF NAVAJO**

18 GORDON GROSS and LILIANA
19 GROSS, husband and wife; 854 PINE
20 CREEK, LLC, an Arizona limited liability
21 company; BALD EAGLE RETREAT,
22 LLC, an Arizona limited liability company;
23 1501 RAINBOW VIEW, LLC, an Arizona
24 limited liability company; LAKESIDE
25 FAMILY INVESTMENTS, LLC, an
26 Arizona limited liability company,
27 STEVEN A. KERNAGIS AND SANDRA
28 K. KERNAGIS, trustees of THE STEVEN
AND SANDRA KERNAGIS TRUST
DATED MARCH 17, 2014; THOMAS P.
ZEHRING AND JEANNETTE ROSE
ZEHRING, trustees of THE ZEHRING
LIVING TRUST DATED MARCH 1,
2001; and JEANNETTE ZEHRING,

Plaintiffs,

v.

THE SHORES AT RAINBOW LAKE
COMMUNITY ASSOCIATION, an
Arizona domestic nonprofit corporation,

Defendant.

No.: S0900CV202200042

STIPULATION FOR ENTRY OF
PRELIMINARY ORDERS

Pursuant to discussions which occurred on the record during the Hearing held on
April 6, 2022, the Parties hereby stipulate to the entry of the accompanying form of order.
Defendant has agreed to delay enforcement of the First Amendment pending resolution of

1 the present litigation. Defendant's agreement to delay enforcement is without prejudice to
2 later seeking full enforcement from the effective date of the First Amendment, including
3 enforcement against violations that occur during the period of delay. Plaintiffs have agreed
4 to withdraw their Motion for Preliminary Injunction in light of Defendant's commitment
5 to delay enforcement of the First Amendment. Plaintiff's withdraw of their Motion is
6 without prejudice to reasserting the Motion at a later date. Either party may request the
7 Court put Plaintiffs' Motion for Preliminary Injunction back on the calendar for a hearing.
8 Defendant agrees to delay enforcement of the First Amendment until the earlier of (1) this
9 Court's entry of an order on Plaintiffs' Motion for Preliminary Injunction or (2) this Court's
10 entry of a Rule 54(b) or 54(c) judgment on the issue of enforcement of the First
11 Amendment, (3) the stipulation by the parties.

12 Furthermore, the Parties stipulate that preliminary dispositive motions that the
13 Parties believe can be filed without disclosure and discovery shall be filed with the Court
14 by May 4, 2022. Pending determination on said motions, the Parties hereby jointly request
15 that the Court hold in abeyance all deadlines or further obligations until otherwise ordered
16 by the Court.

17 DATED this 22nd day of April, 2022.

18
19
20
21
22
23
24
25
26
27
28

DYER BREGMAN & FERRIS, PLLC.

BY /s/ Stockton D. Banfield
Stockton D. Banfield
Charles M. Dyer
Attorneys for Plaintiff

WONG & CARTER, PC.

BY /s/ Matthew A. Klopp
Rick K. Carter
Matthew A. Klopp
Attorneys for Plaintiff

JENNINGS HAUG KELEHR McLEOD LLP

By /s/ James L. Csontos

DYER BREGMAN & FERRIS, PLLC

3411 N. 5th Avenue, Suite 300
Phoenix, Arizona 85013-3811
(602) 254-6008 - www.dbfazlaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jack R. Cunningham
James L. Csontos
Attorneys for Defendant.