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17 Attorneys for Plaintiffs

18 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
19 **IN AND FOR THE COUNTY OF NAVAJO**

20 GORDON GROSS and LILIANA
21 GROSS, husband and wife; 854 PINE
22 CREEK, LLC, an Arizona limited liability
23 company; BALD EAGLE RETREAT,
24 LLC, an Arizona limited liability company;
25 1501 RAINBOW VIEW, LLC, an Arizona
26 limited liability company; LAKESIDE
27 FAMILY INVESTMENTS, LLC, an
28 Arizona limited liability company,
STEVEN A. KERNAGIS AND SANDRA
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; JEANNETTE ZEHRING;
RONALD D. KYER, JR. and DESIREE
KYER, husband and wife,

Plaintiffs,

v.

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

Defendant.

No.: S0900CV202200042

NOTICE OF LODGING

Re: Proposed Final Judgment

1 **NOTICE IS HEREBY GIVEN** that Plaintiffs have lodged a proposed form of
2 Final Judgment with the Court, a copy of which is attached as Exhibit A. Although the
3 Court’s September 14, 2022 Ruling directed Defendant to lodge a form of Judgment, as of
4 the date below, Plaintiffs have not received notice that such has been filed.¹ In the interest
5 of judicial economy and to expedite resolution of the cloud on Plaintiffs’ title, Plaintiffs
6 lodge the attached form of Final Judgment. As referenced in Plaintiffs’ Application for
7 Attorneys’ Fees filed on October 4, 2022, Defendant mooted Plaintiffs’ claim for damages
8 under Count II (Breach of Covenant of Good Faith and Fair Dealing) by stipulating to a
9 preliminary injunction against enforcement of the subject rental restriction. As a result,
10 there is nothing further to adjudicate as to either claim (except with respect to the pending
11 request for fees and costs, as well as the form of Final Judgment).

12 DATED this 10th day of October, 2022.

13 DYER BREGMAN & FERRIS, PLLC. WONG & CARTER, PC.

14 BY /s/ Matthew A. Klopp for:
15 Stockton D. Banfield
16 Charles M. Dyer
Attorneys for Plaintiffs

BY /s/ Matthew A. Klopp
Rick K. Carter
Matthew A. Klopp
Joseph R. Rainey
Attorneys for Plaintiffs

17 ORIGINAL electronically filed via TurboCourt
18 This 10th day of October, 2022.

19 COPIES emailed and mailed
20 This 10th day of October, 2022 to:

21 Jack Cunningham
22 Jim Csontos
23 JENNINGS HAUG KELEHER McLEOD LLP
2800 North Central Avenue, Suite 1800
Phoenix, Arizona 85004
Attorneys for Defendant

24 By: /s/ Jineane Rivers
25 _____

26 ¹ Shortly after entry of the Ruling, Plaintiffs contacted Defendant concerning the prospect
27 of the parties coming to an agreement as to the language of the form of Judgment to avoid
28 (or at least limit) the potential costs of Objections to Form under Rule 58. *See* Emails, dated
September 16, 2022, attached as Exhibit B.