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6 *Attorneys for Plaintiff*

7 IN THE SUPERIOR COURT OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9 THOMAS J. GUSICH, an individual,

10 Plaintiff,

11 vs.

12
13 SUN CITY GRAND COMMUNITY
ASSOCIATION, INC., an Arizona
14 corporation,

15 Defendant.
16

Case No. CV2025-002634

**APPLICATION FOR AN ORDER TO
SHOW CAUSE FOR TEMPORARY
RESTRAINING ORDER TO HALT
FEBRUARY 24, 2025 ACTIONS**

17 Plaintiff Thomas J. Gusich, pursuant to the provisions of Rule 7.3, Arizona
18 Rules of Civil Procedure, hereby moves the Court for an emergency Temporary
19 Restraining Order barring Defendant Sun City Grand Community Association, Inc.'s
20 scheduled February 24, 2025 actions to either vote or tally votes to recall Plaintiff
21 from his position on the Board of Directors.

22 This Application is based upon and supported at pages 6 to 7 and 9 to 11 of
23 Plaintiff's Application for Preliminary Injunction and Memorandum in Support
24 Thereof, which is incorporated herein by this reference. Arizona Revised Statutes
25 section 33-1813 allows for a recall vote of members of the Board of Directors upon
26 receipt of a petition with "signatures" meeting specific numeric thresholds.

1 Defendant has counted instead general email messages solicited, including emails
2 that would lead the sender to believe that they were called upon to email with “no”
3 votes or request information.



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15 Rule 7.3 of the Arizona Rules of Civil Procedure permits the Court to issue an
16 order requiring a defendant to appear and show cause as to why the party applying
17 for the order should not have the relief requested. This can and should be scheduled
18 for determination of this Temporary Restraining Order on February 21, 2025, or the
19 morning of February 24, 2025. Plaintiff hereby requests that the Court issue an
20 Order to Show Cause requiring the Association to appear and show cause, if any they
21 have, as to why said relief should not be granted.

22 DATED this 20th day of February 2025.

23 DESSAULES LAW GROUP

24 By: /s/ David E. Wood
25 Jonathan A. Dessaulles
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Attorneys for Plaintiff

1 COPY of the foregoing document mailed
2 and emailed this 20th day of February 2025 to:

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