

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2019-000075-001 DT

04/16/2019

HONORABLE PATRICIA ANN STARR

CLERK OF THE COURT
C. Avena
Deputy

HAYDEN SQUARE CONDOMINIUM
HOMEOWNERS ASSOCIATION

ASHLEY N MOSCARELLO

v.

CHRIS I WEISS (001)

CHRIS I WEISS
154 W. 5TH ST
UNIT 252
TEMPE AZ 85281

LYNETTE EVANS
JUDGE STARR
OFFICE OF ADMINISTRATIVE
HEARINGS
REMAND DESK-LCA-CCC

MINUTE ENTRY

The Court has considered the Motion for Stay filed by Appellant Hayden Square Condominium Homeowners Association, the Response filed by Appellee Chris Weiss, and the Reply. Appellant seeks a stay of the final administrative decision entered by the Arizona Department of Real Estate pending the resolution of this appeal.

This Court may not grant a stay of an agency's decision absent good cause. A.R.S. § 12-911; Rule 3(b), Rules of Procedure, Judicial Review of Administrative Decisions ("JRAD"). The party filing the motion must provide "proper notice to the agency affected and all other parties to the proceeding before the agency." JRAD Rule 3(a).

Here, Appellant served Appellee Weiss with the Motion for Stay, and sent a copy to the Arizona Department of Real Estate "Homeowners Association Dispute Resolution Message

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2019-000075-001 DT

04/16/2019

Center.” (Motion for Stay, at 9.) The Court finds that to be insufficient notice to the Department.

Appellant must serve the Department’s counsel, Lynette Evans, who filed a Notice of Appearance on March 14, 2019. The Court will only consider the Motion for Stay after Ms. Evans has been provided a copy of the Motion for Stay, and has had the opportunity to inform the Court of the Department’s position.

Thus,

IT IS ORDERED that by April 25, 2019, Appellant will serve Ms. Evans with a copy of the Motion for Stay.

IT IS FURTHER ORDERED that if the Department has a position on the Motion for Stay, it shall so inform the Court by filing either a Response or a notice of no opposition, no later than May 10, 2019.

The parties are notified that as of June 24, 2019, this calendar will be assumed by the Honorable Douglas Gerlach. As of that date, Judge Gerlach will be located in the East Court Building, Courtroom/Suite 613.

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. **Therefore, you will have to deliver to the Judge a conformed courtesy copy of any new filings.**