Clerk of the Superior Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005545 01/23/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
K. Johanson
Deputy

SHEILA JANISCH

FRANK M FOX

v.

SCOTTSDALE MOUNTAIN COMMUNITY ASSOCIATION

CHARLES H OLDHAM

JUDGE MCDOWELL

MINUTE ENTRY

The Court is in receipt of Plaintiff's *Emergency Motion for Temporary Restraining Order* filed January 17, 2026. The Court does not find the motion well supported by the Affidavit of Plaintiff or the supporting documents. For instance, in paragraph A on page one of the Motion it says "Defendants mailed a defamatory "attack letter" using stolen corporate data." The evidence submitted to support this statement is Plaintiff's Affidavit, but nowhere in the Affidavit or the other documents submitted does it indicate why Plaintiff believes the Defendants authored or mailed the letter nor does it state any factual basis that corporate data was stolen. As another example, in paragraph B on page two it states "Defendants canceled the mandatory January Open Meeting to avoid public approval of the ballot. (Exhibit C). The attached Exhibit C states the reason for cancellation of the meeting was "[d]ue to the third Monday following on (sic) a Holiday, and no pressing issues to address …" It isn't clear from any evidence submitted to this Court why Plaintiff alleges the meeting was cancelled "to avoid public approval of the ballot." Further examples of statements made without support occur throughout the Motion. The Court will not entertain statements made without some factual and foundational basis.

The party seeking a preliminary injunction or temporary restraining order is obligated to demonstrate (1) whether plaintiff has a strong likelihood of success on the merits; (2) the

possibility of irreparable harm to the plaintiff if relief is not granted; (3) the balance of hardships; and (4) advancement of the public interest. *Shoen v. Shoen*, 167 Ariz. 58 (App. 1990). Plaintiff's unsupported allegations do not meet her burden. Because the motion does not satisfy Plaintiff's burden, the Court declines to set a hearing to address the request for a temporary restraining order.

IT IS ORDERED denying Plaintiff's *Emergency Motion for Temporary Restraining Order* without prejudice