Clerk of the Superior Court
*** Electronically Filed ***
05/05/2026 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005545 05/04/2026

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
A. Patel
Deputy

SHEILA JANISCH

FRANK M FOX

v.

SCOTTSDALE MOUNTAIN COMMUNITY ASSOCIATION, et al.

EDEN COHEN

JUDGE MCDOWELL

RULING ON MOTION TO AMEND

Pending before the Court is Plaintiffs' April 8, 2026 *Motion to Amend Complaint (*in matter CV2026-002460); *Defendants' Response in Opposition to Plaintiff's Motion to Amend*; and the April 30, 2026 Reply in Support of Motion for Leave to File First Amended, Notice of Errata and Supplemental Complaint

Counsel for Plaintiffs failed to comply with Rule 15(a)(4). Counsel has been admonished before for failing to comply with Rule 15(a)(4). The Court notes the requirements contained in 15(a)(4) are mandatory (note the use of the word "must"). But counsel did cure the defect in his April 30, 2026 filing. The Court appreciates counsel attaching the "red-line" version of the amended complaint to the Reply, but would have preferred it had been filed with the original motion.

The Court does not find that Mr. Creed's proposed amendment would be futile. Defendants' arguments against amendment focused on the whether the additional information would address what Defendants perceived as deficiencies in the Complaint but whether Mr. Creed is able to prove the elements of his claims is not a proper inquiry at this stage of the proceeding. The Court will permit Mr. Creed to amend his complaint under the following conditions.

IT IS ORDERED Mr. Creed must file and serve his proposed amended complaint (the clean copy which does not show the respects in which the proposed pleading differs from the existing pleading) by **May 20, 2026.**