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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

LAVEEN MEADOWS HOMEOWNERS'
ASSOCIATION, INC., an Arizona nonprofit
corporation,

Plaintiff,

vs.

CARLOS MEJIA, a married man, as his sole
and separate property; et al.,

Defendants.

No. CV2016-094391

**RESPONSE TO PLAINTIFF'S
APPLICATION FOR POST-JUDGMENT
FEES AND COSTS**

(Oral Argument Waived)

Defendant hereby responds to yet another one of Plaintiff's Applications for Post-Judgment Fees and Costs. This is Plaintiff's THIRD one in a case where Defendant actually overpaid the principal sum owed by \$2,158.08. See Judgment on Foreclosure dated August 4, 2017. Plaintiff has milked this lactating bovine long enough and this Court should deny Plaintiff's Application.¹

Plaintiff was already awarded \$11,190 in fees and another \$1,012.25 in costs to recover, well...nothing. Now, Plaintiff is seeking another \$4,560 in fees that were allegedly incurred nearly

¹ Hopefully, this should be the last of Plaintiff's fee applications. Plaintiff states in its fee application that it has not requested additional estimated fees for oral argument (how gracious of Plaintiff) and that it will only file additional fee applications "if oral argument or a reply brief becomes necessary." Plaintiff's Application 2:8-10. Since this Court is not allowing Plaintiff to file a Reply to this Response (See ME dated March 27, 2018 p.2) and it appearing that oral argument will not be held, it appears that this Court has, thankfully, finally killed off the lactating bovine.

1 nine months ago. Of this amount, Plaintiff is actually seeking fees for preparation of foreclosure
2 documents after Defendant already filed his Notice of Appeal.² Plaintiff is also seeking another
3 \$2,820 to respond to a Motion to Set Aside Default Judgment, which was essentially recopying
4 prior arguments that were made several times earlier in the litigation.

5 The amounts sought are excessive and unreasonable. Plaintiff's counsel represents
6 thousands of HOAs and must have filed numerous motions to set aside default and fee applications
7 if not substantially more. Every argument in this case has already been briefed multiple times. In
8 fact, most have been copied and pasted. There is no reason that Plaintiff needed three (3) attorneys
9 to spend 25 hours filing yet another response to a motion to set aside and more fee application
10 work.

11 Based upon the foregoing, Defendant respectfully requests that the Court exercise its
12 discretion and deny Plaintiff's Application for Post-Judgment Fees and Costs.

13 DATED this 20th day of April 2018.

14 DESSAULES LAW GROUP

15 By: /s/ Jacob A. Kubert
16 Jonathan A. Dessales
17 Jacob A. Kubert
18 *Attorneys for Defendant*

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25 ² Defendant filed a Notice of Appeal and Motion to Set Supersedeas Bond / Stay
26 Enforcement of the Judgment on August 17, 2017. There was absolutely no reason for Plaintiff
to start drafting foreclosure documents on August 22, 2017. The Motion for Stay automatically
stayed enforcement until the Motion was adjudicated. *ARCAP 7(a)(2)*.

1 COPY filed electronically with
the Clerk of the Court
2 this 20th day of April, 2018

3 COPY of the foregoing mailed and e-mailed
4 this 20th day of April 2018, to:

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6 MAXWELL & MORGAN, PC
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10 /s/ Hilary Narveson

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