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6 *Attorneys for Plaintiff*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF MARICOPA**

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

12 Plaintiff,

13 vs.

14 CARLOS MEJIA, a married man, as his sole and
15 separate property; STATE OF ARIZONA, a
16 governmental entity; LEXINGTON NATIONAL
17 INSURANCE CORPORATION; US
18 IMMIGRATION BONDS AND INSURANCE
19 SERVICES, INC.; UNTIED STATES OF
20 AMERICA, DEPARTMENT OF THE
21 TREASURY-INTERNAL REVENUE
SERVICE; THE UNKNOWN HEIRS AND
DEWISEES OF ABOVE NAMES
DEFENDANTS, IF DECEASED,

22 Defendants.

No. CV2016-094391

**REPLY IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
POST-JUDGMENT ATTORNEYS'
FEES AND COSTS**

(Assigned to the Hon. Margaret Benny)

23
24 Plaintiff, Laveen Meadows Homeowners' Association, Inc. ("Association"), by and
25 through counsel undersigned, hereby files this Reply in Support of its earlier filed Application
26 for Attorneys' Fees and Statement of Costs.¹ Defendant's Response to the Association's
27 Application is both offensive and unprofessional. As this Court is well aware, it has been

28 ¹ Defendant's Response suggests that this Court's March 27, 2018 Minute Entry took
29 away from the Association the right to file a Reply in Support of its Application for Fees and
Costs. The Association does not read the Minute Entry as Defendant does. Nothing in the
Minute Entry strips the Association of its right to file a Reply. And in light of Defendant's
unprofessional approach and gross mischaracterizations in the Response filed, the Association
believed it was necessary to submit a Reply.

1 Defendant's unreasonable and unfounded actions that have caused the Association to incur
2 significant post-judgment fees. Defendant's gamesmanship has finally caught up with him; and
3 as he has no valid objection to the attorney's fees and costs, he has thus resorted to offensive and
4 demeaning rhetoric.


5 Of the fees requested by the Association, Defendant briefly referenced only two issues:
6 (1) that the Association commenced preparation of the foreclosure documents after Defendant
7 filed a Notice of Appeal; and (2) that undersigned counsel "must have filed numerous motions
8 to set aside default and fee applications" and consequently did not need "to spend 25 hours filing
9 yet another response to a motion to set aside and more fee application work". (*See* Defendant's
10 response, p. 2., lns. 6-10.) With respect to Defendant's first contention regarding the foreclosure
11 documents, preparation of the same was commenced by undersigned counsel before becoming
12 aware that the Notice of Appeal had been filed or that Defendant had requested a stay of the
13 proceedings. Regardless, such work is unquestionably necessary, and will have to be completed
14 in order to finalize the foreclosure sale. Whether now or after Defendant's second shot at an
15 appeal, the work is necessary and fees should be awarded for the same.

16 With respect to Defendant's' second contention, Defendant's characterization that it took
17 "25 hours filing yet another response to a motion to set aside" (*see id.*) is a grossly exaggerated
18 misstatement. Exhibit "A" to the *China Doll* Affidavit filed by the Association confirms that
19 Defendant's characterization of the work performed by the Association is a blatant
20 misrepresentation. There is nothing unreasonable about spending 12.2 hours (as the Association
21 did) to draft a Reply in Support of its form of judgment, a separate Reply in support of its
22 Application for Attorney's Fees, and a separate Reply in Support of its Statement of Costs,
23 especially given the hostility and uniqueness of the allegations and arguments raised by
24 Defendant's counsel. Additionally, there is nothing unreasonable or excessive about spending
25 9.2 hours (as the Association did) to draft a Response in Opposition to Defendant's Motion to
26 Set Aside the Default Judgment. In light of the multiple arguments raised for the first time by
27 Defendant in his Motion to Set Aside Default Judgment, the Association was wholly justified in
28 spending time to properly and thoroughly address Defendant's novel, albeit erroneous,
29 arguments. That the Association's counsel "must have filed numerous motions to set aside
default" is not a defense to the fees incurred in this matter. Defendant's objection lacks any
legal foundation or factual merit. The Association requests that Association be awarded the fees

1 and costs incurred post-judgment as outlined in its Application for Award of Attorney's Fees
2 and Statement of Costs.

3 DATED this 1st day of May, 2018.

4
5 **MAXWELL & MORGAN, P.C.**

6 By 
7 Chad M. Gallacher, Esq.
8 4854 East Baseline Road, Suite 104
9 Mesa, Arizona 85206
Attorneys for Plaintiff

10 COPY of the foregoing
11 E-Filed this 2nd day of
12 May, 2018 to:

13 Honorable Margaret Benny
14 Commissioner of the Superior Court

15 COPY of the foregoing
16 mailed this 2nd day of
17 May, 2018 to:

18 Jonathan A. Dessaulles, Esq.
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Attorney for Defendant

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23 11426 York Road
24 Cockeysville, MD 21030
Defendants pro se

25 U.S. Immigration Bonds and Insurance Services, Inc.
26 c/o statutory agent, Jeremy Wolf
27 114 SW 10th Street, Suite C
28 Fort Lauderdale, FL 33315
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