

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 6/12/18
AMY M. WOOD,
CLERK
BY: RB

LAVEEN MEADOWS HOMEOWNERS) Court of Appeals
ASSOCIATION,) Division One
) No. 1 CA-CV 18-0276
Plaintiff/Appellee,)
) Maricopa County
v.) Superior Court
) No. CV2016-094391
CARLOS MEJIA,)
)
Defendant/Appellant.)
_____)

ORDER DISMISSING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).

On March 28, 2018, the superior court entered a signed minute entry that denied appellant's motion to set aside default judgment and found appellee was entitled to attorneys' fees upon the filing of an application. Appellee filed an application for attorneys' fees on April 5, 2018, to which appellant responded. On April 25, 2018, appellant filed a notice of appeal.

The March 28, 2018 minute entry is not final or appealable because the attorneys' fees issue was not resolved and the minute entry does not contain a certification of finality pursuant to Arizona Rule of Civil Procedure 54(b). See *Fields v. Oates*, 230 Ariz. 411, 414-15, ¶¶ 10-14 (App. 2012) (explaining that a notice of

appeal filed from an order without Rule 54(b) language that does not resolve all claims is premature); and *Natale v. Natale*, 234 Ariz. 507, 510, ¶ 11 (App. 2014) (in absence of finality language, the superior court must resolve all issues in a post-decree petition prior to the filing of a notice of appeal). Therefore, the notice of appeal is premature and a nullity. See *Camasura v. Camasura*, 238 Ariz. 179, 181-83, ¶¶ 7-8, 11-16 (App. 2015) (noting ARCAP 9(c) does not save a premature notice of appeal when an attorneys' fees issue is pending). Accordingly,

IT IS ORDERED dismissing this appeal for lack of jurisdiction. Nothing in this order precludes appellant from filing a timely notice of appeal after the attorneys' fees issue is resolved in a signed order.

_____/s/_____
Melina Brill, Judge Pro Tempore

A copy of the foregoing
was sent to:

Chad M Gallacher
Samuel C Richardson
Jonathan A Dessaulles
Jacob A Kubert
Hon Margaret Benny