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LAVEEN MEADOWS HOMEOWNERS
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ARIZONA COURT OF APPEALS

DIVISION ONE

LAVEEN MEADOWS
HOMEOWNERS ASSOCIATION,
INC.,

Plaintiff/Appellee,

v.

CARLOS MEJIA,

Defendant/Appellant

) No.: 1-CA-CV 18-0276

) Maricopa County Superior Court
) No.: CV 2016-094391

) **Appellee’s Response to**
) **Appellant’s Motion for**
) **Reconsideration of Order**
) **Dismissing Appeal and to**
) **Reinstate Appeal**

Plaintiff/Appellee Laveen Meadows Homeowners Association, Inc. (“Association”), pursuant to this Court’s June 15, 2018 Order, hereby files this Response to Defendant/Appellant Carlos Mejia’s (“Mejia”) Motion for Reconsideration of Order Dismissing Appeal and to Reinstate Appeal.

On August 3, 2017, the superior court signed a default judgment in favor of the Association and against Mejia, which judgment was entered on August 4, 2017. The August 4, 2017 Judgment contained language confirming that the Judgment was “entered pursuant to Rule 54(c), ARCP.” On December 20, 2017, Mejia filed a Motion to Set Aside Default Judgment. By Minute Entry dated March 27, 2018 and entered March 28, 2018, the superior court denied Mejia’s Motion to Set Aside Default Judgment. In the superior court’s March 28, 2018 Minute Entry, the court ordered the Association to submit an application for additional attorney’s fees and costs that had been incurred subsequent to the initial application made in conjunction with the August 4, 2018 Judgment. Upon receipt of the Superior Court’s March 28, 2018 Minute Entry, the Association applied to the court for an award of the additional attorneys’ fees and costs the Association had incurred. It appears that the superior court granted the Association’s application for attorney’s fees by order dated April 19, 2018 and entered April 20, 2018, although the parties were unaware that the Order regarding fees had been issued. Mejia thereafter filed his Notice of Appeal on April 25, 2018.

This Court issued an Order Dismissing the Appeal on June 12, 2018 in which this Court explained that this Court did not have jurisdiction because “the March 28, 2018 minute is not a 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).” However, it appears that the Superior Court issued a ruling on the outstanding issue of attorney’s fees on April 19, 2018, despite the fact that the parties were not aware. Although the Order of Attorney’s fees was apparently signed on April 19, 2018 and entered on April 20, 2018, this Court correctly noted that there is no Rule 54(b) or (c), ARCP, language on the April 20, 2018 Order awarding attorney’s fees and costs to the Association incurred following entry of the August 4, 2017 Judgment. If this Court requires that the final order resolving the application for post-judgment attorneys’ fees and costs awarded by the superior court must have Rule 54(b) or (c) language in order to confer jurisdiction (in addition to the 54(c) language contained on the August 4, 2017 Judgment), then Mejia’s Motion for Reconsideration must be denied as there was no such language on the April 20, 2018 Order.

Respectfully submitted,

DATED this 27th day of June 2018

/s/Chad M. Gallacher

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