

IN THE
COURT OF APPEALS

STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 7/13/18
AMY M. WOOD,
CLERK
BY: RB

LAVEEN MEADOWS HOMEOWNERS)
ASSOCIATION,)
)
Plaintiff/Appellee,)
)
v.)
)
CARLOS MEJIA,)
)
Defendant/Appellant.)
)
)

) Court of Appeals
) Division One
) No. 1 CA-CV 18-0276
) Maricopa County
) Superior Court
) No. CV2016-094391
)
) DEPARTMENT M

ORDER GRANTING MOTION FOR RECONSIDERATION/REINSTATING APPEAL

The court has considered appellant's Motion for Reconsideration of Order Dismissing Appeal and to Reinstate Appeal, the response, and reply.

Appellant filed a notice of appeal on April 25, 2018, from a minute entry denying his motion to set aside a default judgment. This court dismissed the appeal because it appeared that appellant's notice of appeal was filed while an application for attorneys' fees was pending. However, unbeknownst to the parties and this court, the superior entered a signed order on April 20, 2018, ruling on the attorneys' fees issue. Consequently, appellant's notice of appeal was timely, not premature.

Appellant requests reconsideration of the dismissal order in light of the April 20, 2018 order. In response, appellee notes it too was unaware of that order. Nevertheless, appellee contends the

motion for reconsideration should be denied because the April 20, 2018 order does not contain finality language pursuant to Arizona Rules of Civil Procedure (Rules) 54(b) or 54(c).

Because the underlying default judgment contains Rule 54(c) finality language and all issues in connection with the motion to set aside the default judgment have been resolved, no finality language is needed in the April 20, 2018 order. Therefore,

IT IS ORDERED granting appellant's motion and vacating the June 12, 2018 order dismissing the appeal.

IT IS FURTHER ORDERED reinstating the appeal.

IT IS FURTHER ORDERED that the case management statement shall be due on July 23, 2018.

IT IS FURTHER ORDERED that the opening brief shall be due on August 13, 2018.

_____/s/_____
Diane M. Johnsen, Presiding Judge

A copy of the foregoing
was sent to:

Chad M Gallacher
Samuel C Richardson
Jonathan A Dessauls
Jacob A Kubert