

1 Jonathan A. Dessaulles, State Bar No. 019439  
Jacob A. Kubert, State Bar No. 027445

2 **DESSAULES LAW GROUP**  
3 5353 North 16<sup>th</sup> Street, Suite 110  
4 Phoenix, Arizona 85016  
5 602.274.5400 tel.  
6 602.274.5401 fax  
7 [jdessaulles@dessauleslaw.com](mailto:jdessaulles@dessauleslaw.com)  
8 [jkubert@dessauleslaw.com](mailto:jkubert@dessauleslaw.com)

9 *Attorneys for Defendant*

10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

11 IN AND FOR THE COUNTY OF MARICOPA

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

15 Plaintiff,

16 vs.

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

19 Defendants.

No. CV2016-094391

**NOTICE OF APPEAL, OR, IN THE  
ALTERNATIVE, AMENDED NOTICE OF  
APPEAL**

20 NOTICE IS HEREBY GIVEN that, pursuant to Rule 8 of the Arizona Rules of Civil  
21 Appellate Procedure, Defendant Carlos Mejia, by and through undersigned counsel, hereby  
22 appeals to the Court of Appeals of the State of Arizona from this Court's judgments, orders,  
23 rulings, and minute entries in this matter, including, but not limited to, the following:

- 24 • Order awarding Plaintiff fees and costs of \$7,680.00 and \$98.51, respectively  
25 (entered/docketed on May 16, 2018);
- 26 • Minute Entry (dated March 28, 2018 and signed by Comm. Margaret Benny);
- Minute Entry (August 7, 2017);
- Judgment signed by the Court August 3, 2017 and filed with the Clerk of the  
Court August 4, 2017; and

- Any and all other orders, rulings, and minute entries entered in this case.

Defendant previously filed a Notice of Appeal on April 25, 2018, which caused the Court of Appeals to open case number 1 CA-CV 18-0276. On June 12, 2018, the Court of Appeals dismissed that case for lack of jurisdiction stating that the March 28, 2018 minute entry was “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).”<sup>1</sup>

The March 28, 2018 minute entry stated that “Plaintiff may file an application for attorneys’ fees and costs and Defendant may file a response to the application.” Plaintiff filed its Application for Amount of Attorney Fees Incurred Post-Judgment and separate Statement of Costs on April 5, 2018. These filings were served on Plaintiff’s counsel by mail, giving them until April 24, 2018 to respond, which they did on that date. The Superior Court, however, signed Plaintiff’s proposed order awarding all fees and costs it requested on April 19, 2018 (the “Fees and Costs Order”).

The Fees and Costs Order also has a date stamp purportedly by the Clerk of Court indicating it was filed on April 20, 2018. Defendant’s counsel never received any copy of the Fees and Costs Order on or near April 20, 2018, nor apparently did Plaintiff because it filed its Reply in Support of Plaintiff’s Application for Post-Judgment Attorneys’ Fees and Costs on May 2, 2018. The online docket for this case reflects that the Fees and Costs Order was entered by the Clerk of Court on May 16, 2018, though no copy has ever been received by Plaintiff’s counsel.<sup>2</sup>

Accordingly, this Notice of Appeal is a new notice being filed as to the May 16, 2018 Fees and Costs Order and all prior orders. Alternatively, this notice should be considered an amended notice of appeal of the notice filed on April 25, 2018.

---

<sup>1</sup> A copy of the Court of Appeals’ Order Dismissing Appeal is attached as Exhibit 1.

<sup>2</sup> A copy of the online docket printed on June 13, 2018 is attached as Exhibit 2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED this 14th day of June 2018.

DESSAULES LAW GROUP

By:           /s/ Jonathan A. Dessaules          

Jonathan A. Dessaules

Jacob A. Kubert

*Attorneys for Defendant*

COPY of the foregoing mailed and e-mailed  
this 14th day of June 2018, to:

Chad M. Gallacher  
Samuel C. Richardson  
MAXWELL & MORGAN, PC  
4854 E Baseline Rd., Ste. 104  
Mesa, Arizona 85206  
[cgallacher@hoalaw.biz](mailto:cgallacher@hoalaw.biz)  
[srichardson@hoalaw.biz](mailto:srichardson@hoalaw.biz)  
*Attorneys for Plaintiff*

          /s/ Hilary Narveson