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IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

LAVEEN MEADOWS
HOMEOWNERS' ASSOCIATION, an
Arizona nonprofit corporation,

Plaintiff/Appellee,

v.

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

Defendant/Appellant.

No.: 1-CA-CV 18-0276

Maricopa County Superior Court
No.: CV 2016-094391

**RESPONSE TO MOTION TO
STRIKE OR, ALTERNATIVELY,
TO ORDER THE FILING OF A
SUPPLEMENTAL BRIEF**

Plaintiff/Appellee Laveen Meadows Homeowners' Association ("Association"), hereby responds in opposition to Defendant/Appellant Carlos Mejia's ("Mejia") "Motion To Strike Or, Alternatively, To Order The Filing Of A Supplemental Brief" ("Motion to Strike"). Mejia has criticized the Association for filing its Notice. However, as the significance of the language of A.R.S. § 33-1807 is central to the issues before this Court in this matter, counsel arguably had a duty to advise this Court of the amendment. Both Mejia's Opening Brief and Mejia's

Reply Brief cited A.R.S. § 33-1807(A) with such frequency that the Table of Citations for both briefs used the Latin term “*passim*” to indicate that the statute was referenced so often as to make identification of the individual page numbers useless. The Association’s Answering Brief employed the same reference to “*passim*” to signal that A.R.S. § 33-1807(A) could be found throughout the entire Brief. As Mejia’s Opening Brief was filed on September 12, 2018, and the Association’s Answering Brief was filed November 21, 2018, both briefs were filed before the legislative session that would eventually produce an amendment to A.R.S. § 33-180(A) had even commenced. Although Mejia’s Reply Brief was filed after the Legislative Session commenced, the fate of S.B. 1531 was far from certain on March 26, 2019 when Mejia’s Reply Brief was filed. Nevertheless, as S.B. 1531, amending A.R.S. § 33-1807(A), was signed into law on May 8, 2019, the parties were required to notify this Court. As such, there is no need to strike the Notice filed by the Association.

Mejia further contended that the Association’s Notice was too argumentative and raised new arguments. However, the fact that the central statute upon which this matter turns has been amended by the Legislature demanded that notification be provided to the Court. If this Court believes that the amendment of the statute justifies supplemental briefing, the Association is willing to participate in additional briefing. However, the Association did not raise new arguments by

bringing to the Court's attention the fact that A.R.S. § 33-1807(A) was amended.

There is no good cause to strike the Notice filed by the Association.

DATED this 7th day of August, 2019.

MAXWELL & MORGAN, P.C.

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