

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2025-012980

03/16/2026

HONORABLE ADELE PONCE

CLERK OF THE COURT  
L. Gilbert  
Deputy

LISA MARX

LISA MARX  
13610 N 111TH AVE  
SUN CITY AZ 85351

v.

TARA CONDOMINIUMS ASSOCIATION, et al. CHARLES H OLDHAM

JUDGE PONCE

MINUTE ENTRY

The Court heard argument on the motion to dismiss filed by Defendant Tara Condominiums Association (“Defendant”) on January 2, 2026. The Court has reviewed the motion, the response by Plaintiff Lisa Marx (“Plaintiff”) and the reply filed by Defendants. The Court has considered the briefings as well as the arguments of the parties.

The Court notes that Plaintiff filed her original complaint on April 11, 2025, alleging Defendants had violated various statutes and breached agreements by taking steps to require homeowners like Plaintiff to provide individual coverage for areas connected to units that were previously covered by association insurance policies. The complaint was amended, with the most recent amendment allowed by the Court filed on September 15, 2025. That case has been proceeding, with discovery ongoing. At the time the original complaint was filed, Defendants had not yet amended the declaration to require the homeowners rather than the association to provide coverage for the areas at issue.

Plaintiff’s new action was filed on November 21, 2025, and was assigned case number CV2025-06273. That complaint raises the same concerns regarding the association’s decisions

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and actions to require owners to obtain insurance to cover areas previously insured by the association, but includes allegations regarding events that have occurred since the filing of the second amended complaint on September 15, 2025. These include actual amendments to the governing documents that require homeowners rather than the association to insure areas previously insured by the association. This Court consolidated that case with this previously filed case.

Defendant filed this motion to dismiss arguing that this was an impermissible duplicative proceeding, and that Plaintiff was claim splitting. Defendants maintained that the proper procedure was for Plaintiff to file a motion pursuant to Ariz. R. Civ. P. 15(d) to supplement her allegations to include the most recent actions of the association related to the change in insurance coverage provided by the association. The Court agrees that it was not appropriate for Plaintiff to file a new action raising essentially the same claims against the same parties, and that the filing, insofar as it is a complaint purporting to assert a new action should be dismissed.

At the time of argument, the Court proposed treating the complaint as a motion to supplement pursuant to Ariz. R. Civ. P. 15(d) and Defendant agreed. Plaintiff also agreed. The Court set a deadline for Defendant to respond to the allegations.

For the reasons stated above,

IT IS ORDERED converting the petition filed by plaintiff November 21, 2025, to a motion to supplement pursuant to Ariz. R. Civ. P. 15(d).

The Court on its own motion also corrects the January 8, 2026, ruling denying Plaintiff's December 1, 2025, motion for reconsideration of the Court's November 17, 2025, ruling. In denying the December 1, 2025, motion for reconsideration, the Court stated that this matter was on appeal and the Court lacked jurisdiction to reconsider the November 17, 2025, ruling. That was incorrect. The portion of the November 17, 2025, ruling Plaintiff challenged denied her motion for leave to file a third amended complaint to reassert claims against defendants Mark Gottmann and Dennis Anderson after the Court had dismissed those claims and entered judgment, which Plaintiff appealed. Although Plaintiff appealed the judgment, the Court can still reconsider the ruling denying the motion to amend. The Court, having considered the prior ruling and the briefing concerning the motion to amend, finds no reason to alter the ruling denying the motion to amend.

For the reasons stated above,

IT IS ORDERED correcting the January 8, 2026, ruling to reflect the Court denies the motion for reconsideration as stated above.

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Also before the Court is Plaintiff's December 5, 2025, motion for reconsideration of the Court's December 4, 2025, order consolidating Plaintiff's new complaint with the first matter, and denying Plaintiff's request for a temporary restraining order without notice as well as Plaintiff's request for an evidentiary hearing. At the time, the Court noted that "Plaintiff has previously raised these issues in another matter, which is pending before this Court...[T]he Court has already conducted a preliminary injunction hearing addressing similar matters and denied relief," on June 24, 2025. The Court concluded a hearing was not warranted on the new motion "given the similarity of the issues raised."

Plaintiff's motion for reconsideration emphasizes that in denying Plaintiff's request for a preliminary injunction or temporary restraining order after a hearing, the June 24, 2025, order emphasized, in part, the fact that the association had not actually amended the declarations to change the level of insurance provided by the association. At the time of argument on the motion to dismiss, the parties were in agreement that the association has in fact amended the declarations to change the insurance coverage it provides, so that homeowners are now required to purchase different/additional coverage. The Court notes, however, that Plaintiff's actual requests for a preliminary injunction and temporary order filed December 1, 2025, were essentially identical to that filed in the previous action on October 29, 2025 (and attached an October 5, 2025, filing) which the Court denied November 3, 2025 and November 17, 2025.

Plaintiff maintains Defendant's procedures were improper, that Defendants failed to comply with the law, and violated the parties' agreements among other claims—this is the subject of the current litigation. Even accepting the change in insurance has been implemented, however, the Court maintains Plaintiff has failed to establish "immediate and irreparable injury, loss or damage will likely result" without a preliminary injunction based on the current written submissions renewing her request for a preliminary injunction hearing. Aside from being identical to previously denied requests, the motion does not, for example, explain how this requirement that she obtain additional or different insurance coverage constitutes irreparable harm that cannot otherwise be averted while this litigation is pending by, for example, obtaining additional coverage.

For the reasons stated above,

IT IS ORDERED denying the motion for reconsideration.