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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9  
10 Lisa Marx  
11 Plaintiff,

Case No. CV 2025-012980

12 vs.

13 Tara Condominiums Association, Inc.,  
14 Mark Gottmann and Dennis Anderson  
15 Defendant.

**PLAINTIFF'S REQUEST FOR  
LEAVE TO FILE RESPONSE TO  
DEFENDANTS' MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING APPLICATION FOR  
ATTORNEYS' FEES AND  
ALTERNATIVELY, MOTION FOR  
LEAVE TO SUPPLEMENT FEE  
APPLICATION**

Honorable Randall H. Warner

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20 Plaintiff Lisa Marx, appearing pro per, respectfully requests this Court, pursuant to  
21 Arizona Rule of Civil Procedure 7.1(e)(2), for leave to file a response to Defendants  
22 Mark Gottmann and Dennis Anderson's Motion for Reconsideration of Order Denying  
23 Application for Attorneys' Fees and Alternatively, Motion for Leave to Supplement Fee  
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1 Application (A.R.S. § 12-341.01(A)), filed on November 12, 2025. This Request is  
2 supported by the following Memorandum of Points and Authorities.

### 3 I. INTRODUCTION

4 On November 12, 2025, Defendants stated they filed their Motion for Reconsideration  
5 under ARCP Rule 7.1(e), seeking to alter the Court's October 15, 2025, Minute Entry  
6 and Order, which denied their Application for Attorneys' Fees while granting costs in  
7 the amount of \$13.40 and entering a Rule 54(b) judgment. Plaintiff received a copy of  
8 the motion in an e-mail November 13, 2025 at 2:46 p.m. and at 5:17 p.m. 11-13-25 there  
9 isn't any record of the filing on:

10 [https://ecronline.clerkofcourt.maricopa.gov/CaseDocuments.aspx?caseNumber=CV2](https://ecronline.clerkofcourt.maricopa.gov/CaseDocuments.aspx?caseNumber=CV2025-012980)  
11 [025-012980](https://ecronline.clerkofcourt.maricopa.gov/CaseDocuments.aspx?caseNumber=CV2025-012980) . Pursuant to ARCP Rule 7.1(e)(2), motions for reconsideration are  
12 submitted without the filing of a responsive memorandum unless the Court orders  
13 otherwise. However, the Rule explicitly provides that no such motion may be granted  
14 without providing all other parties an opportunity to respond.

15 Plaintiff seeks leave to file a response because the Motion raises new legal arguments  
16 not fully addressed in the original fee application, including a claim under A.R.S. § 12-  
17 341.01(A) that was omitted from Defendants' September 4, 2025, Application. Denying  
18 Plaintiff an opportunity to respond would prejudice her ability to address these issues  
19 and assist the Court in its determination.

### 20 II. MEMORANDUM OF POINTS AND AUTHORITIES

21 ARCP Rule 7.1(e)(2) states: "All such motions, however denominated, must be  
22 submitted without oral argument and without the filing of a responsive or reply  
23 memorandum, unless the court orders otherwise. No motion for reconsideration may  
24 be granted, however, without the court providing all other parties an opportunity to

1 respond." This provision ensures due process by guaranteeing opposing parties a  
2 chance to be heard before a grant, while allowing the Court discretion to order  
3 responses as needed.

4 Granting leave here is appropriate because:

- 5 1. **The Motion Raises Complex and New Issues:** Defendants' Motion argues that  
6 the Court misapprehended or overlooked A.R.S. § 12-341.01(A) as a basis for  
7 fees, despite not asserting it in their fee application. This introduces discretionary  
8 factors under *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183 (App. 1983),  
9 that Plaintiff had no prior opportunity to brief. Additionally, the Motion seeks  
10 post-judgment relief on a final Rule 54(b) order, raising questions of timeliness  
11 under ARCP Rule 59(d) (15-day limit) versus Rule 7.1(e). Plaintiff's response  
12 would provide analysis on these points, aiding the Court's efficiency.
- 13 2. **No Prejudice to Defendants or Delay:** The case remains ongoing against the  
14 Association, and no scheduling order is impacted. Allowing a response within 10  
15 days (per ARCP Rule 7.1(a)) would not unduly delay resolution, as the Motion  
16 was filed only yesterday (November 12, 2025).
- 17 3. **Promotion of Fairness and Judicial Economy:** Arizona courts favor resolving  
18 matters on the merits with full input from parties. See, e.g., *Tilley v. Delci*, 220  
19 Ariz. 233 (App. 2009) (reconsideration for overlooked material points). Denying  
20 leave could lead to appealable error if the Motion is granted without response.

21 Plaintiff has prepared a proposed response (attached as Exhibit A for the Court's  
22 review, if desired) addressing procedural flaws (untimeliness, improper rule), waiver  
23 of the statutory claim (omission from application, per *King v. Titsworth*, 221 Ariz. 597  
24 (App. 2009)), and merits (discretionary denial under § 12-341.01(A)).

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**III. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court grant leave to file her response to Defendants' Motion within 10 days of the order granting this Request.

Dated this 13th day of November, 2025.

Respectfully submitted,

/s/ Lisa Marx

Lisa Marx

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of November, 2025, a true and correct copy of the foregoing was served via email on Defendants' counsel:

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/s/ Lisa Marx

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