

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-009496

02/23/2015

HONORABLE JAMES T. BLOMO

CLERK OF THE COURT  
G. Verbil  
Deputy

COLETTE MCNALLY

JACOB A KUBERT

v.

SUN LAKES HOMEOWNERS ASSOCIATION  
# 1 INC

ROBERT GRASSO JR.

MINUTE ENTRY

The Court has read and considered Plaintiff's Motion for Summary Judgment to Restore Plaintiff's Right to Participate in Executive Sessions filed December 12, 2014, Defendant's Opposition to Plaintiff's Motion for Summary Judgment to Restore Plaintiff's Right to Participate in Executive Sessions filed January 30, 2015, and Plaintiff's Reply in Support of Motion for Summary Judgment to Restore Plaintiff's Right to Participate in Executive Sessions filed February 12, 2015.

Although both parties requested oral argument, the Court finds that oral argument would not assist in ruling on the issues and is unnecessary. For that reason, the request for oral argument is denied.

Rule 56(c) of the Arizona Rules of Civil Procedure provides that the Court may grant a motion for summary judgment only if there "is no genuine issue of material fact..." Any evidence or reasonable inference contrary to fact which the moving party needs to show his entitlement to judgment will preclude summary judgment. *United Bank of Arizona v. Allyn*, 167 Ariz. 191 (Ct.App. 1990). If there are material facts upon which reasonable people could reach

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different conclusions, summary judgment is not appropriate. *Gold Insurance Company v. Grishom*, 126 Ariz. 123 (1980).

In making a determination on a motion for summary judgment, the court should consider the evidence and state the facts in the light most favorable to the party opposing the summary judgment and indulge in all reasonable inferences in support thereof. *City of Tucson v. Sanderson*, 104 Ariz. 151 (1969). Moreover, courts have long held that the interests of justice are best served by a trial on the merits. *Comacho v. Gardner*, 104 Ariz. 555 (1969).

The Court finds that there are a number of material facts in dispute that precludes the granting of summary judgment prior to trial.

Accordingly

**IT IS ORDERED** denying Plaintiff's Motion for Summary Judgment to Restore Plaintiff's Right to Participate in Executive Sessions.