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5 Attorneys for Plaintiff

6
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 COLETTE MCNALLY, an individual,

10 Plaintiff,

11 -vs-

12 SUN LAKES HOMEOWNERS
13 ASSOCIATION #1, INC., an Arizona non-
14 profit corporation,

15 Defendant.

No. CV2014-009496

**DECLARATION OF COLETTE
MCNALLY IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
PRELIMINARY INJUNCTION
PURSUANT TO ARIZ. R. CIV. P. 65(a)
AND REQUEST FOR AN
EXPEDITED EVIDENTIARY
HEARING**

(Assigned to The Hon. James T. Blomo)

ORAL ARGUMENT REQUESTED

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19 I, Colette McNally, having been duly sworn upon my oath, hereby state as follows:

20 1. I am over the age of 18 years old and am competent to testify to the matters
21 found herein. I am the Plaintiff in the above captioned matter and I make this Declaration in
22 Support of Plaintiff's Application for Preliminary Injunction Pursuant to Ariz. R. Civ. P.
23 65(a) and Request for an Expedited Evidentiary Hearing. I am aware of the facts and
24 circumstances of this matter unless otherwise.

25 2. I am a duly elected director on the Board of Directors for defendant Sun Lakes
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1 Homeowners Association (the "Association"). Nearly two years ago in July 2013, I received
2 a publicly circulated e-mail from a former employee of the Association's property
3 management team where this person confessed to participating in a conspiracy with other
4 members of the Association and the Association's management team of stealing another
5 Board Member's board notes, circulating those notes throughout the community and
6 misrepresenting to this Board Member that his computer was hacked resulting in this mass
7 public disclosure.

8 3. Concerned that the Association's employees were engaged in such conduct, I
9 gave the e-mailed confession to the Association's president and implored him to discuss the
10 confession with the community at the next scheduled Board Meeting in August 2013.

11 4. After the Association refused to discuss the confession at the August 2013
12 Board Meeting, the Board met in an un-noticed executive session before the next September
13 2013 meeting and passed a resolution where they decided to take no action on the confession
14 (presumably because the confession implicated a majority of them).

15 5. When the Board president stopped public discussion of the confession initiated
16 by one of the Association's homeowners during the open portion of the meeting, I began
17 reading the already publicized confession to those community members in attendance and
18 the Board president abruptly ended the meeting altogether.

19 6. Since that September 2013 meeting, for over a year and a half now, the
20 Association has screened me from executive sessions on the grounds that I violated
21 executive meeting privilege back in September 2013 when I read the already publicized
22 confession to the community.

23 7. Even though I was re-elected to my directorship in March 2014 by the
24 community, the Association still precludes me from participating in executive sessions.

25 8. Ever since the Board has banned me from executive sessions, I have been left
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1 uninformed with regard to the business that the Board (improperly) conducts behind closed
2 doors in executive sessions and I am unable to properly represent my constituents' interests
3 during the open portion of the meetings.

4 9. My term ends in March 2017 and, due to term limits, I am unable to run again
5 for a board seat after my term expires.

6 10. I will never get back the meetings that I am forced to miss.

7 11. I did nothing wrong. I did not disclose any communication or legal strategy
8 discussed during the executive session at issue.

9 12. All I did was read an e-mail that was already published amongst certain
10 community members.

11 Pursuant to Rule 80(i) of the Arizona Rules of Civil Procedure, I declare under
12 penalty of perjury that the foregoing is true and correct.

13 Executed on April _____, 2015

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15 _____
16 COLETTE MCNALLY

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