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10 **IN THE COURT OF APPEALS**  
11 **IN AND FOR THE STATE OF ARIZONA**  
12 **DIVISION ONE**

13	COLETTE MCNALLY,	)	Case No. 1 CA-CV 15-0744
14		)	
15	Plaintiff/Appellant,	)	Maricopa County Superior Court
16		)	Case No. CV2014-009496
17	vs.	)	<b>DEFENDANT/APPELLEE SUN</b>
18		)	<b>LAKES HOMEOWNERS</b>
19		)	<b>ASSOCIATION #1, INC.’S MOTION</b>
20		)	<b>FOR PROCEDURAL ORDER:</b>
21	SUN LAKES HOMEOWNERS ASSOCIATION	)	<b>MOTION FOR EXTENSION OF</b>
22	#1, INC., an Arizona non-profit corporation,	)	<b>TIME TO RESPOND TO</b>
23		)	<b>APPELLANT’S APPLICATION FOR</b>
24	Defendant/Appellee.	)	<b>AWARD OF ATTORNEYS’ FEES</b>
25		)	<b>AND COSTS ON APPEAL</b>
26	_____	)	

27 Pursuant to ARCAP 5(b) and 6(b), Defendant/Appellee Sun Lakes  
28 Homeowners Association #1, Inc. (“the Association”) hereby requests an extension  
of 30 days to file a response to Plaintiff/Appellant’s pending Application for Award  
of Attorneys’ Fees and Costs on Appeal.

Counsel for the parties are in the process of trying to negotiate a settlement.  
Rather than immediately expending additional resources preparing and filing a  
response to Plaintiff/Appellant’s Application for Award of Attorneys’ Fees and Costs  
on Appeal, which may create a barrier to settlement, the Association requests that this

1 Court grant it an additional 30 days to file its response while the parties actively  
2 pursue settlement negotiations.

3 In the event the parties are able to use this additional time to reach an  
4 agreement, the settlement would address and resolve all pending issues before this  
5 Court and issues that could be raised by the Association in a Petition for Review.  
6 Thus, a settlement would obviate the need for the Association to file a response to  
7 Plaintiff/Appellant's Application for Award of Attorneys' Fees and Costs on Appeal,  
8 and would, in turn, preserve this Court's judicial resources. Certainly, the Association  
9 will notify this Court if a settlement is reached as required by ARCAP 31.

10 In addition, counsel for the Association has several impending deadlines in  
11 other cases, including but not limited to an upcoming superior court trial and a  
12 responsive appellate brief, that necessitate the Association seek an extension of time  
13 to file the response to Plaintiff/Appellant's Application for Award of Attorneys' Fees  
14 and Costs on Appeal.

15 Counsel for Plaintiff/Appellant Colette McNally consents to entry of an order  
16 granting the Association an extension of 30 days to file a response to the pending  
17 Application for Award of Attorneys' Fees and Costs on Appeal. *See* ARCAP  
18 6(b)(1)(B).

19 For the foregoing reasons, the Association respectfully requests that the Court  
20 grant its Motion for Extension of Time to Respond to the Appellant's Application for  
21 Award of Attorneys' Fees and Costs on Appeal.  
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RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of November, 2016.

**GRASSO LAW FIRM, P.C.**

By /s/ Robert Grasso, Jr.  
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ORIGINAL e-filed with the Clerk of  
the Court and COPY served via  
TurboCourt this 2<sup>nd</sup> day of November,  
2016 to:

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By /s/R. Nelson