

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-053091  
CV 2012-051066  
CV 2014-054346  
CV 2016-050379

08/22/2019

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT  
W. Tenoever  
Deputy

R L WHITMER, et al.

ROBERT S PORTER

v.

HILTON CASITAS COUNCIL OF CO-  
OWNERS, et al.

R COREY HILL

ANDREW M FEDERHAR  
COLLEEN LONDON  
6333 N SCOTTSDALE RD  
CASITA 21  
SCOTTSDALE AZ 85250  
R L WHITMER  
6333 N SCOTTSDALE RD  
CASITA 21  
SCOTTSDALE AZ 85250  
JUDGE CAMPAGNOLO

MINUTE ENTRY

Northeast Regional Court - Courtroom 102

Prior to today's hearing, the Court consolidated the cases listed below for the limited purpose of ruling on Plaintiffs' Rule 60 (b)(6) and (d)(3) Motions to Vacate Judgment and Request for New Trial.

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9:58 a.m. This is the time set for Oral Argument on Plaintiffs' Rule 60 (b)(6) and (d)(3) Motions to Vacate Judgment and Request for New Trial. Appearances are set forth below.

CV2015-053091:

Plaintiffs R. L. Whitmer (who is present), Colleen London and Diana R. Shaffer are represented by counsel, Robert S. Porter. Defendant Hilton Casitas Council of Homeowners is represented by counsel, R. Corey Hill. Intervenor Procaccianti AZ, II, LP is represented by counsel, Andrew M. Federhar.

CV2012-051066 (consolidated with CV2012-000363):

Plaintiffs/Counter Defendants Diana R. Shaffer, LPM Holdings LLC and consolidated Plaintiffs Zadok Eli (who is present) and Hana Eli are represented by counsel, Robert S. Porter. Defendant/Counter Claimant Procaccianti AZ, II, LP is represented by counsel, Andrew M. Federhar. Defendant Hilton Casitas Council of Co-Owners is represented by counsel, R. Corey Hill.

CV2014-054346:

Plaintiff R. Lamar Whitmer is present on his own behalf. Defendant Council of Co-Owners is represented by counsel, R. Corey Hill. Intervenor Procaccianti AZ, II, LP is represented by counsel, Andrew M. Federhar.

CV2016-050379:

Plaintiff R. L. Whitmer is present on his own behalf. Defendant Hilton Casitas Council of Homeowners is represented by counsel, R. Corey Hill.

A record of the proceedings is made digitally in lieu of a court reporter.

Arguments are heard.

11:06 a.m. Court stands at recess.

11:15 a.m. Court reconvenes with respective parties and counsel present.

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The Court has considered the arguments presented, the pleadings and case law. Based on the foregoing,

The Court makes its findings on the record. Based on those findings,

IT IS ORDERED the request for relief under Rule 60 (d)(3) is denied.

IT IS FURTHER ORDERED the request for relief under Rule 60 (b)(6) is also denied.

IT IS FURTHER ORDERED the motion to vacate judgments and request to vacate trial are all denied.

With respect to Defendants' request for an award of attorneys' fees and sanctions under A.R.S. §12-349,

THE COURT FINDS that an award of attorneys' fees under A.R.S. §12-349 is appropriate. The Court will not order double damages or other sanctions under A.R.S. §12-349.

IT IS ORDERED that Plaintiffs shall pay Defendants' reasonable attorneys' fees. Defendants shall submit an application and affidavit for attorneys' fees no later than September 23, 2019. Plaintiffs shall have the right to file any objection or opposition no later than October 7, 2019.

IT IS FURTHER ORDERED that Defendants shall submit a proposed order for the Court's signature consistent with the ruling today by September 23, 2019.

11:29 a.m. Matter concludes.