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4 Scottsdale, Arizona 85250
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6 Pro Per

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

9 R.L. WHITMER,

10 Plaintiff,

Case No. CV2021-050888

11 v.

12 HILTON CASITAS HOMEOWNERS
13 ASSOCIATION, also known as
14 HILTON CASITAS COUNCIL OF
15 HOMEOWNERS, also known as
16 COUNCIL OF CO-OWNERS, also
17 known as HILTON CASITAS
18 COUNCIL OF CO-OWNERS,

19 Defendant.

**NOTICE OF FAILURE TO
TIMELY FILE A
RESPONSE TO
PLAINTIFF'S MOTION TO
STRIKE**

(Assigned to the Hon.
Sara Agne)

20 On June 4, 2021 the Plaintiff hand-delivered his Motion to Strike to the
21 Defendant's attorney Mr. Butterfield. Which required the Defendant's attorney to
22 response by June 11, 2021. However, the Defendant's attorney filed its
23 response on June 18, 2021, thus failing to timely respond or to object to the
24 Plaintiff's Motion to Strike within the 5-day time-period as mandated by the Ariz.
25 R. Civ. P., Rule 7.1(f)(B).

26 Pursuant to Rule 7.1(b) and (a) the Court may consider a party's failure
27 to timely file and serve a responsive memorandum to be deemed a consent
28 to the granting of the motion to strike, and the court may dispose of the
motion summarily.

In its untimely response the Defendant's attorney did not offer the Court
a basis of excusable neglect for late filing, or why the Defendant did not seek
an extension to file late.

1 Accordingly, the Court should disregard the Defendant's response to the
2 Motion to Strike as untimely and grant the Plaintiff's their Motion to Strike and
3 enter an order striking the Defendant's Motion to Dismiss and ordering the
4 Defendant to answer the Plaintiffs complaint by July 16, 2021.

5
6 RESPECTFULLY SUBMITTED this 21st day of June 2021.

7
8 
9 _____
10 R.L. Whitmer
 Pro Per

11 ORIGINAL submitted this 21st day of June, 2021, with:
12 Clerk of the Maricopa County Superior Court

13 COPY hand-delivered this same date to:

14 Tim Butterfield
15 Carpenter Hazelwood
16 1400 E. Southern Ave., Ste. 400
17 Tempe, AZ 85282
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