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12 Attorneys for Defendant Hilton Casitas
13 Homeowners Association

14 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

15 **IN AND FOR THE COUNTY OF MARICOPA**

16 R.L. WHITMER,

17 Plaintiff,

18 vs.

19 HILTON CASITAS HOMEOWNERS
20 ASSOCIATION, also known as HILTON
21 CASITAS COUNCIL OF
22 HOMEOWNERS, also known as HILTON
23 CASITAS COUNCIL OF CO-OWNERS,

24 Defendant.

Case No. CV2021-050888

**RESPONSE IN OPPOSITION TO
PLAINTIFF'S REQUEST FOR AN
EXTENSION TO RESPOND TO
DEFENDANT'S MOTION TO DISMISS**

(Assigned to Honorable Sara Agne)

Defendant Hilton Casitas Homeowners Association (the "Association") hereby responds in opposition to Plaintiff's Request for an Extension to Respond to Defendant's Motion to Dismiss until the Court has ruled on his Motion to Strike. Not only is Plaintiff's Motion to Strike a violation of Arizona Rules of Civil Procedure 7.1(f) (See Defendant's Response in Opposition to Plaintiff's Motion to Strike), but even if the Court entertains Plaintiff's Motion to Strike, the relief would be for the Court to strike the constitutionality argument rather than the entire motion. As such, Plaintiff should respond to the Association's

1 **ORIGINAL** of the foregoing e-filed
2 Via TurboCourt this 23rd day of June, 2021.

3 **COPY** of the foregoing mailed/e-mailed
4 this 23rd day of June, 2021, to:

5 R.L. Whitmer
6 6333 N. Scottsdale Road, Casita 21
7 Scottsdale, Arizona 85250
8 rlw@fulcrumgroup.biz

9 *Pro Per*

10 By: /s/ Vanessa Fort

Exhibit A



From: [Timothy Butterfield](#)
To: [R. L. Whitmer](#)
Cc: [Eadie Rudder](#); [Suzanne N. Hilborn](#)
Subject: Re: Extension to respond to your motion to dismiss
Date: Wednesday, June 9, 2021 9:18:13 AM
Attachments: [image002.png](#)
[image002.png](#)

Mr. Whitmer,

I disagree with your Motion to Strike and do not think it is proper. I will not stipulate to the requested extension, but if you need a short extension I am willing to consider such a request.

Best,

Timothy Butterfield, Esq.
Sent from my iPhone
Please excuse any typos.

From: R. L. Whitmer <rlw@fulcrumgroup.biz>
Sent: Tuesday, June 8, 2021 5:20 PM
To: 'Timothy Butterfield'
Subject: Extension to respond to your motion to dismiss

Mr. Butterfield.

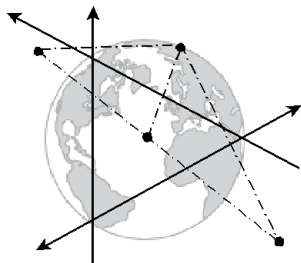
Are you willing to stipulate to an extension to file my response to your motion to dismiss until 10 days after the court rules on my motion to strike, if the court denies the motion to strike?

Please let me know ASAP, as I intend to file for the extension tomorrow,

R. L. Whitmer

Fulcrum Group

Fortuna Preparatis ~ Audaces Fortuna Juvat



Scottsdale, Arizona
602.531.2615