

1 Therefore, the Defendant denies ¶ 7 of the Applicable Law and Supporting
2 Claim Section of the Complaint.

3
4 **INJURIES**

- 5 1. Defendant denies ¶ 1 of the Injuries Section of the Complaint.
6 2. Defendant denies ¶ 2 of the Injuries Section of the Complaint.
7 3. Defendant denies ¶ 3 of the Injuries Section of the Complaint.
8 4. Defendant denies ¶ 4 of the Injuries Section of the Complaint.
9 5. Defendant denies ¶ 5 of the Injuries Section of the Complaint.
10 6. Defendant denies ¶ 6 of the Injuries Section of the Complaint.

11
12 **ADDENDUM A – STATEMENT OF FACTS AND BREACH**

13
14 Responding to Addendum A – Statement of Facts and Breach of the Complaint,
15 the Defendant denies all allegations found in Addendum A.

16
17 **ADDENDUM B – APPLICABLE LAWS SUPPORTING CLAIMS**

18 Responding to Addendum B – Applicable Laws Supporting Claims Section of the
19 Complaint, the Defendant denies all allegations found in Addendum B.

20
21 **ADDENDUM C – INJURIES**

22 Responding to Addendum C – Injuries Section of the Complaint, the Defendant
23 denies all allegations found in Addendum C.

24
25 **ADDENDUM D – DEMAND FOR RELIEF**

26 Responding to Addendum D – Demand for Relief Section of the Complaint, the
27 Defendant denies all allegations found in Addendum D.

1 **ADDENDUM E – CHRONOLOGY OF EVENTS**

2 Responding to Addendum E – Chronology of Events Section of the Complaint, the
3 Defendant denies all allegations found in Addendum E.
4

5 **ADDENDUM F – FINANCIAL DOCUMENTS REQUEST**

6 Responding to Addendum F – Financial Documents Request Section of the
7 Complaint, the Defendant denies all allegations found in Addendum F.
8

9 **ADDENDUM G – EXHIBITS LIST**

10 Responding to Addendum G – Exhibits List Section of the Complaint, the
11 Defendant denies all allegations found in Addendum G.
12

13 **PLAINTIFF’S DEMAND FOR RELIEF**

14 Responding to Plaintiff’s Demand For Relief Section, including subparagraphs (1)
15 through (5), including Addendum D, Defendant denies that Plaintiff is entitled to any relief
16 requested therein.
17

18 **AFFIRMATIVE DEFENSES**

19 1. Defendant alleges that Plaintiff has failed to state a claim, or claims, upon
20 which relief may be granted.
21

22 2. Defendant alleges that there is no legal or common law right of action for
23 the claim of “selective enforcement,” upon which monetary relief may be granted.
24

25 3. Defendant alleges a lack or want of a legal duty owed.
26

27 4. Some or all of Plaintiff’s claims may be barred by the following legal and
28 equitable defenses, including but not limited to: lack of standing; statutes of limitations;

1 unclean hands, laches; bad faith and/or lack of good faith and fair dealing; waiver by
2 operation of law and/or contract; accord, satisfaction, and/or estoppel.

3
4 5. Defendant affirmatively alleges compliance with the governing documents,
5 no discriminatory or arbitrary enforcement, lack of damages, good faith, and comparative
6 compliance.

7
8 6. Defendant affirmatively alleges that Plaintiff is barred under the doctrine of
9 equitable estoppel, contributory negligence, and/or comparative fault for Plaintiff's failure
10 to exercise reasonable care and diligence with respect to the duties owed to himself and/or
11 failure to mitigate his damages or losses, if any.

12
13 7. Defendant affirmatively alleges that Plaintiff's damages, if any, are a result
14 of or caused by factors, persons, or entities other than Defendant, including other parties,
15 third-parties, and/or nonparties at fault. Accordingly, Defendant reserves the right to aver
16 and prove the apportionment and/or degrees of fault, if any, among the named parties
17 herein and/or any nonparties pursuant to governing Arizona law and procedure.

18
19 8. Defendant affirmatively alleges that Plaintiff failed to join indispensable
20 parties and/or failed to bring and/or join Plaintiff's claims against the real party(ies) in
21 interest.

22
23 9. Defendant affirmatively alleges that Plaintiff has suffered no distinct and
24 palpable injury to pursue all or some of Plaintiff's alleged claims for relief.

25
26 10. Defendant affirmatively alleges that Plaintiff is not entitled to any recovery
27 from Defendant because the damages alleged, if any, are speculative.

28

1 11. Defendant affirmatively alleges that all or some of Plaintiff's allegations
2 relate to actions outside the scope of the director's/officer's scope of authority as an officer
3 or director.
4

5 12. Defendant affirmatively alleges lack of personal jurisdiction over all or
6 some necessary parties for purposes of entering relief that may prejudice or affect
7 adjudication of all or some claims for relief sought by Plaintiffs, and failure to join
8 indispensable parties and real parties in interest.
9

10 13. As and for its additional affirmative defenses, Defendant alleges all other
11 matters constituting a defense (affirmative or otherwise) that Defendant may subsequently
12 discover, including all defenses set forth in Rules 8 and 12, Ariz. R. Civ. P., and as may
13 apply in law and/or equity.
14

15 WHEREFORE, having answered Plaintiff's Complaint herein fully, Defendant
16 prays that Plaintiff take nothing by the Complaint, and that Defendant be awarded
17 judgment of dismissal in this action, and further awarded its attorneys' fees and costs of
18 suit incurred in this matter, which arises out of contract, and pursuant to any applicable
19 provisions of the contract and/or A.R.S. §§ 12-341.01, 12-341, 12-349, 12-350 and Rule
20 11, Ariz. R. Civ. P.
21

22
23 DATED this 17th day of December, 2024.

24 **SHAW & LINES, LLC**

25 /s/ Augustus H. Shaw, IV
26 Augustus H. Shaw IV, Esq., CCAL
27 4523 E. Broadway Road
28 Phoenix, Arizona 85040
Counsel for Defendant

1 ORIGINAL submitted for electronic filing
2 This 17th day of December 2024 with:

3 Clerk of the Court
4 Maricopa County Superior Court

5 COPY of the foregoing mailed
6 This 17th day of December 2024 to:

7 Sandra Rodriquez
8 4735 E Besty Lane
9 Gilbert, AZ 85296

10 By: /s/ Diane Fincher

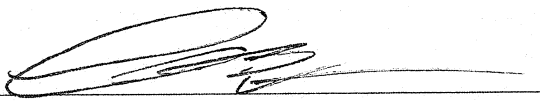
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VERIFICATION

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, Anna Schultz, the president of the Gardens/Gilbert Community Association (hereafter, the "Association"), herby declare to have read the foregoing Verified Answer and know the contents thereof; that the statements and matters stated therein are true and correct to the best of my personal knowledge and belief, except as to those matters therein stated to be upon information and belief, and, as to those matters, I believe them to be true and accurate as such.

I declare and verify under penalty of perjury that the foregoing is true and correct.



President
Gardens/Gilbert Community Association

12/16/2024

Date: