

IN THE
Court of Appeals
STATE OF ARIZONA
DIVISION ONE

CASE MANAGEMENT STATEMENT

Turtle Rock III Homeowners Association

v.

Lynne A. Fisher

1 CA-CV 16-0455

Maricopa County Superior Court

Superior Court case number: CV2015-095897

Judge David M. Talamante

Lynne A. Fisher
Name of Filing Party

/s/ J. Roger Wood
Signature of Counsel or Party

August 8, 2016
Date

A. APPELLATE JURISDICTION

1. State the basis for appellate jurisdiction (*See* A.R.S. § 12-2101):

The appeal is from a final judgment entered in an action in superior court.

2. State the date the superior court filed the judgment/order you are appealing and state whether the court signed the ruling.

The Superior Court filed the judgment on 6/8/2016

3. Provide the date each notice of appeal or cross-appeal was filed and identify the filing party.

Notice of appeal was filed on 7/3/2016 by Defendant

4. If the time for appeal was extended by one of the motions identified in Arizona Rule of Civil Appellate Procedure 9(e)(1), identify the motion, the date it was filed, the date the superior court filed its ruling on the motion, and state whether the ruling was signed.

Time for appeal was not extended

5. If any motions are currently pending in superior court, identify the name of each motion and the date it was filed.

There are no motions currently pending in superior court.

6. Is the judgment/order appealed from certified as final pursuant to Arizona Rule of Civil Procedure 54(c)?

The court has not stated no further matter remains pending.

7. If any claims remain pending in the superior court, including claims for attorneys' fees, was the judgment/order made appealable pursuant to Arizona Rule of Civil Procedure 54(b) or Arizona Rule of Family Law Procedure 78(B)?

No claims remain pending in superior court.

B. CASE INFORMATION

1. List all parties to the superior court action.

Turtle Rock III Homeowners Association- Plaintiff

Lynne A. Fisher - Defendant

2. List any party in superior court that is not a party to this appeal and explain in detail why the party is not included in this appeal, e.g., the party was dismissed, not served, or other. Include specific relevant references to the record.

All parties in superior court are parties to this appeal.

3. Describe briefly all claims (including counterclaims, cross-claims and third-party claims) asserted in the superior court and the manner each such claim was resolved in the superior court (i.e., bench trial, jury verdict, dismissal, summary judgment, or default judgment). Include specific relevant references to the record.

Plaintiff/Appellee made claims in its verified complaint filed 11/4/2015 against Defendant/Appellant for breach of contract and injunctive relief as the result of Defendant's alleged refusal to comply with Association documents. Defendant/Appellant filed an answer on 1/8/2016. After an evidentiary hearing, the court ruled on 6/8/2016 Plaintiff/Appellee had proven its case regarding Defendant/Appellant's breach of contract, awarded Plaintiff/Appellee injunctive relief, an amount of fines and penalties, and entered an award of attorney fees in favor of Plaintiff/Appellee.

4. Identify the issues to be raised on appeal.

Defendant/Appellant raises three issues on appeal: 1) the superior court incorrectly applied the language of the Association documents by finding Defendant/Appellant in violation of said documents, 2) the superior court incorrectly and without legal/contractual authority awarded fines/penalties to the Association; and 3) the superior court improperly awarded attorneys' fees to Plaintiff/Appellee.

5. If this case involves an assertion or allegation that a state statute, ordinance, franchise, or rule is unconstitutional on its face, or that a municipal ordinance or franchise is facially invalid, have you complied with A.R.S. § 12-1841?

This case does not involve such an assertion.

C. TRANSCRIPTS

1. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(1) and (2) by ordering the transcript(s) necessary for proper consideration of the issues on appeal.

Defendant/Appellant is in the process of preparing transcripts.

2. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(3) by filing a notice of transcript order and, if applicable, a statement of the issues.

N/A

D. OTHER PENDING AND PRIOR PROCEEDINGS

1. If any party to this appeal is the subject of a pending petition in bankruptcy court, identify the court and provide the case name and number.

There is no known pending petition for bankruptcy by either party at this time.

2. Provide the case name and number of any other appeal, special action, or petition for review filed from the same, or a consolidated, superior court action.

No other action is pending from the same superior court action.

3. Provide the case name and number of any other appeal(s) pending in the Court of Appeals that involve the same parties, events, or transactions giving rise to this appeal.

No known other appeal is currently pending.

4. Provide the case name and number of any known pending appeals in the Court of Appeals that raise the same or closely related issues.

No other known similar appeal is pending in the Court of Appeals.

E. CONTACT INFORMATION

1. Filing Party

This Case Management Statement is filed by or on behalf of:

Name of Party: Lynne A. Fisher

Counsel: J. Roger Wood

Address: 4700 S. Mill Ave. Ste. 3, Tempe, AZ 85282

Email address: info@jrogerwoodlaw.com

Telephone: 602.324.7126

Check one: Appellant Cross-Appellant Appellee

For a joint statement by multiple appellants, provide contact information for additional appellants on a separate sheet accompanied by certification that they concur in the contents of this statement.

2. Opposing Party

Name of Party: Turtle Rock III Homeowners Association

Counsel for Opposing Party: Clint Goodman

Address: 3654 N. Power Rd, Suite 132, Mesa, AZ 85215

Email address: clint.goodman@vf-law.com

Telephone: (844) 346.6352

(List additional counsel/parties on separate sheet if necessary)

CERTIFICATION OF SERVICE

I certify that on the 8th day of August, 2016, I served copies of the above Case Management Statement on all counsel/parties of record by email or by depositing a true copy thereof in the United States mail addressed as follows:

Name: Clint Goodman

Address: 4140 East Baseline Road, Suite 101, Mesa, Arizona 85206

/s/ J. Roger Wood
Signature