



SCOTT BALES
CHIEF JUSTICE

JANET JOHNSON
CLERK OF THE COURT

Supreme Court

STATE OF ARIZONA
ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 452-3396

May 9, 2018

RE: TURTLE ROCK III v LYNNE A FISHER
Arizona Supreme Court No. CV-17-0339-PR
Court of Appeals, Division One No. 1 CA-CV 16-0455
Maricopa County Superior Court No. CV2015-095897

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on May 8, 2018, in regard to the above-referenced cause:

ORDERED: Petition for Review = GRANTED on the following reframed issues:

Are ad hoc penalties per se unreasonable under ARS 33-1803(B)?

If ad hoc penalties are permissible, are they unreasonable if they are not based on actual damages to the homeowner association?

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Turtle Rock) = CONTINUED.

Filing of a supplemental brief is permissive rather than mandatory. This order should not be construed as an invitation to repeat the contents of the Petition for Review, the Response, or any Reply. Lack of a supplemental brief shall not be considered an admission that the position of the opposing party or parties should prevail.

Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined.

The Clerk of the Court of Appeals, Division One, Phoenix, shall forward the remaining record to the Clerk of the Supreme Court.

Janet Johnson, Clerk

TO:

Charles W Wirken
Clint G Goodman
Ashley N Moscarello
Lynne A Fisher
Chad M Gallacher
Lynn M Krupnik
Tim Krupnik
Mark K Sahl
Jason E Smith
Hon Janet Barton
Hon David M Talamante
Hon Chris DeRose
Amy M Wood
es