

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2016-055080

06/20/2017

HONORABLE AIMEE L. ANDERSON

CLERK OF THE COURT  
A. Wood  
Deputy

R L WHITMER

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6333 N SCOTTSDALE RD CASITA 21  
SCOTTSDALE AZ 85250

v.

HILTON CASITAS HOMEOWNERS  
ASSOCIATION, et al.

AUGUSTUS H SHAW IV

MINUTE ENTRY

The Court has read and considered the following:

- Petitioner's Motion to Vacate Judgment and Grant New Trial, and attachments thereto (filed May 22, 2017)
- Response to Petitioner's Motion to Vacate Judgment and Grant a New Trial (filed June 6, 2017)
- Petitioner's Reply in Support of Their Motion to Vacate Judgment, and attachments thereto (filed June 16, 2017)

Rule 59(a) of the Arizona Rules of Civil Procedure governs a party's ability to request a new trial. In order for this Court to grant a new trial, the petitioner must show that the "verdict, decision, findings of fact, or judgment is not justified by the evidence or is contrary to the law." See Rule 59(a)(1)(H). As this Court previously held, in denying the Motion for Reconsideration, the Petitioner, "failed to show that this Court's prior ruling was manifestly

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unjust; or presented any evidence of an intervening change in controlling law has occurred”, the Petitioner’s Motion fails to comply with Rule 59(a)(1)(H).

Therefore,

IT IS ORDERED Denying Petitioner’s Motion to Vacate Judgment and Grant New Trial.

IT IS FURTHER ORDERED granting Respondents request for an award of attorney’s fees and costs for having to respond to Petitioner’s Motion. Counsel for Respondents shall submit a proposed form of order and supporting affidavit no later than **5:00 p.m. on July 14, 2017.**