Clerk of the Superior Court
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**Shaw & Lines, LLC**
4523 E. Broadway Road
Phoenix, AZ 85040
Phone (480) 456-1500
Facsimile (480) 456-1515
www.shawlines.com
Mark E. Lines - #020553
Augustus H. Shaw, IV - #021593
Patrick J. Whelan - #030994
*Counsel for Respondents*

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

**IN AND FOR THE COUNTY OF MARICOPA**

| | |
|---|---|
| R.L. WHITMER,<br><br>Petitioner,<br><br>v.<br><br>HILTON CASITAS HOMEOWNERS ASSOCIATION, also known as HILTON CASITAS COUNCIL OF HOMEOWNERS, also known as COUNCIL OF CO-OWNERS, also known as HILTON CASITAS COUNCIL OF CO-OWNERS; and MICHAEL BENGSON, solely in his capacity as President of the named Respondent, and not personally,<br><br>Respondents. | Case No.: CV2016-055080<br><br>**MOTION TO STRIKE PETITIONER'S SURRESPONSE TO THE RESPONDENTS' MOTION TO DISMISS**<br><br>*(Assigned to the Hon. Cynthia Bailey)* |

Respondents, by and through undersigned counsel, hereby respectfully requests that the Court strike Petitioner's Surresponse to the Respondents' Motion to Dismiss (hereafter, the "Surresponse").

The Surresponse is not proper or allowed under the Arizona Rules of Civil Procedure. Moreover, the Surresponse serves as a *de facto* response to the Respondents' Reply in Support of its Motion to Dismiss. Finally, the Surresponse does not contain any additional information that has not been already discussed in the various pleadings filed.

Therefore, Respondents respectfully request that the Court strike the Surresponse and award the Respondents' their attorney's fees and costs incurred in filing this motion.

DATED this 18th day of January, 2019.

**SHAW & LINES, LLC**

Augustus H. Shaw, IV
Patrick J. Whelan
4523 E. Broadway Road
Phoenix, Arizona 85040
*Counsel for Respondents*

ORIGINAL submitted for electronic filing
this 18th day of January, 2019, with:

Clerk of the Maricopa County Superior Court

COPY of the foregoing mailed
this 18th day of January, 2019, to:

R.L. Whitmer
6333 North Scottsdale Road, Casita 21
Scottsdale, Arizona 85250
*Petitioner, Pro Per*

By: