

1 **Shaw & Lines, LLC**

2 4523 E. Broadway Road

3 Phoenix, AZ 85040

4 Phone (480) 456-1500

5 Facsimile (480) 456-1515

6 www.shawlines.com

7 Mark E. Lines - #020553

8 Augustus H. Shaw, IV - #021593

9 Patrick J. Whelan - #030994

10 *Counsel for Respondents*

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

12 **IN AND FOR THE COUNTY OF MARICOPA**

13 R.L. WHITMER,

14 Petitioner/Plaintiff,

15 v.

16 HILTON CASITAS HOMEOWNERS
17 ASSOCIATION, also known as HILTON
18 CASITAS COUNCIL OF
19 HOMEOWNERS, also known as
20 COUNCIL OF CO-OWNERS, also
21 known as HILTON CASITAS COUNCIL
22 OF CO-OWNERS,

23 Respondent/Defendant.

Case No.: CV2016-055080

**MOTION TO STRIKE PLAINTIFF'S
REPLY IN SUPPORT OF HIS
MOTION FOR AN ALTERNATIVE
FORM OF JUDGMENT AND
REQUEST FOR SANCTIONS**

(Assigned to the Hon. Lisa Daniel Flores)

24 Respondent, by and through undersigned counsel, hereby respectfully requests that
25 the Court strike Plaintiff's Reply in Support of His Motion for an Alternative Form of
26 Judgment and Request for Sanctions (hereafter, the "Sur Reply").

27 The Sur Reply is not proper or allowed under the Arizona Rules of Civil Procedure.
28 The Plaintiff is attempting to respond to the Defendant's Reply in Support of its
Application for Award of Attorneys' Fees and Costs, which served as a reply and
addressed the Plaintiff's Objection To Defendants' Application For An Award Of
Attorney Fees And Costs and Plaintiff's Objection To Defendant's Form Of Judgment

1 And Motion For An Alternative From [sic] of Judgment And Request For Sanctions
2 (collectively referred to as "Response").

3 Moreover, the Court, in its Order dated July 10, 2019, stated:

4 **IT IS FURTHER ORDERED** that within thirty (30) days from today's
5 date, Defendant's counsel shall submit a proposed form of judgment to the
6 Court and an application for fees and costs as appropriate. Plaintiff will have
7 fifteen (15) days to respond or object.


8 The Sur Reply is not a "response or objection;" rather, it is in addition to the
9 Plaintiff's response or objection which was not allowed by the Order.

10 Finally, the Sur Reply does not contain any additional information that has not been
11 already discussed in the various pleadings filed.

12 Therefore, Respondent respectfully requests that the Court strike the Sur Reply and
13 award the Respondent's their attorney's fees and costs incurred in filing this motion.

14 DATED this 2nd day of October, 2019.

15 **SHAW & LINES, LLC**

16 
17 _____
18 Augustus H. Shaw, IV
19 4523 E. Broadway Road
20 Phoenix, Arizona 85040
21 *Counsel for Respondents*

22 ORIGINAL submitted for electronic filing
23 this 2nd day of October, 2019, with:

24 Clerk of the Maricopa County Superior Court

25 COPY of the foregoing mailed
26 this 2nd day of October, 2019, to:

27 R.L. Whitmer
28 6333 North Scottsdale Road, Casita 21
Scottsdale, Arizona 85250
Petitioner, Pro Per

By: 
