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

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

12 **WILLIAM M. BROWN, an individual,**

13 **Case No. CV2017-055475**

14 **Plaintiff,**

15 **v.**

16 **DEFENDANTS' OBJECTION TO**
17 **PLAINTIFF'S MOTION FOR**
18 **EXTENSION OF TIME TO FILE**
19 **RESPONSE(S) TO DEFENDANTS'**
20 **MOTIONS TO DISMISS AND**
21 **REQUEST FOR EXPEDITED**
22 **CONSIDERATION**

23 **TERRAVITA COUNTRY CLUB,**
24 **INC., an Arizona non-profit**
25 **corporation; STERLING J. LAAVEG,**
26 **President TCC, Inc., and his spouse;**
27 **PAUL DAVID TOLK, Vice President**
28 **TCC Inc., and his spouse; WILLIAM**
H. GREIG, Secretary TCC, Inc., and
his spouse; MICHAEL T.
ELLINGTON, Treasurer TCC, Inc.,
and his spouse; JOHN DOES I-X and
JANE DOES I-X and their spouses;
CARPENTER, HAZLEWOOD,
DELGADO & BOLEN, PLC; JOSHUA
M. BOLEN 024053; ANJALI J.
PATEL 028138,

Defendants.

Defendants Sterling J. Laaveg and Jane Doe Laaveg; Paul David Tolk and Jane Doe Tolk; William H. Greig and Jane Doe Greig; Michael T. Ellington and Jane Doe Ellington; Carpenter, Hazlewood, Delgado, & Bolen, PLC; Joshua M. Bolen; and Anjali J. Patel (collectively, "Defendants") by and through undersigned counsel, hereby object to

1 Plaintiff's, William M. Brown's ("Plaintiff"), Motion for Extension of Time to File
2 Response(s) to Defendants' Motions to Dismiss and Request for Expedited Consideration
3 ("Motion") for the reason that the Defendants are improperly named parties in this lawsuit
4 and will continue to be prejudiced for so long as this meritless lawsuit is pending against
5 them. Further, Plaintiff failed to show good cause as to why such an extension should be
6 granted.
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9 The Defendants' Motions to Dismiss address a threshold matter of whether or not
10 they are proper parties to this lawsuit. Any alleged liability of the Defendants may be
11 rendered moot as soon as the Court has an opportunity to review and rule upon the
12 Defendants' Motions to Dismiss, Plaintiff's responses thereto, and Defendants subsequent
13 replies. In the event this Court agrees that Defendants are improper parties to this lawsuit,
14 they will be dismissed, they will cease incurring attorneys' fees and costs to defend against
15 a lawsuit in which they should not have been named in the first place, and they will freed
16 from the stress and anxiety caused by being named as defendants in a lawsuit. Further,
17 dismissing eleven of the twelve named defendants in this lawsuit will allow this Court to
18 greatly conserve its resources and focus on the proper parties to this lawsuit – Plaintiff and
19 Terravita County Club, Inc. ("TCC") – both of whom were the sole parties involved in the
20 underlying Arizona Department of Real Estate ("ADRE") matter, the outcome of which
21 prompted Plaintiff to file this lawsuit.
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25 Plaintiff named Defendants in this lawsuit without merit. This Court's dismissal of
26 the Defendants will not change its analysis with respect to Plaintiff's supplemental
27 application. Either TCC complied with the ADRE order requiring it to provide Plaintiff
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1 certain records or it did not. The Court's decision on this issue involves TCC and Plaintiff,
2 not the remaining Defendants. Based on this, Defendants do not see good cause in Plaintiff's
3 argument that extending his response deadlines to "ten (10) business days following any
4 disposition of the supplement application, response and reply pleadings" "would ill-serve the
5 parties, would be unworthy of the Court's time and judicial resources and would simply
6 increase the cost of litigation in this matter." Plaintiff seems to suggest that the Court will
7 rule in Defendants' and TCC's favors following briefing of his supplemental application. If
8 that is the case, Plaintiff can certainly save judicial resources, as well as the parties' time and
9 money, by simply dismissing this lawsuit altogether. Unless and until either of the foregoing
10 occur, Defendants have a right to have their Motions to Dismiss timely briefed and heard by
11 this Court. Defendants will not entertain Plaintiff's further attempts to delay this lawsuit
12 because doing so only further prejudices Defendants.

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16 Finally, this Court's October 27, 2017 Minute Entry Order explicitly stated that the
17 Parties voluntarily agreed to extend Plaintiff's deadline to respond to the Motions to Dismiss
18 until November 13, 2017. Absent further agreement by the Parties, the Court will not extend
19 Plaintiff's response deadline further. Importantly, Defendants do not agree to an extension.

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22 For the reasons stated above, Defendants respectfully request that this Court deny
23 Plaintiff's Motion. In the event Plaintiff's Motion is denied, Defendants further request
24 that the Court award them their reasonable attorneys' fees and costs expended in
25 responding to this Motion.
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1 RESPECTFULLY SUBMITTED this 8th day of November 2017.

2 Carpenter, Hazlewood, Delgado & Bolen, PLC

3
4 By: /s/ Allison Preston

5 Joshua M. Bolen 024053

6 Allison Preston 029346

7 1400 E. Southern Ave., Suite 400

8 Tempe, Arizona 85282

Attorneys for Defendants

9 **CERTIFICATE OF SERVICE**

10 ORIGINAL of the foregoing electronically
11 filed this 8th day of November, 2017, with:
12 Clerk of the Court
13 Maricopa County Superior Court
www.AZTurboCourt.gov

14
15 COPY of the foregoing mailed
16 this 8th day of November, 2017, to:

17 William M. Brown
18 6751 East Amber Sun Drive
19 Scottsdale, AZ 85266
Plaintiff

20
21 /s/ Theresa Laubenthal