

Carpenter, Hazlewood, Delgado & Bolen, PLC
Attorneys at Law
1400 E. Southern Avenue, Suite 400
Tempe, Arizona 85282
t 480.991.6949 | f 480.991.7040
Joshua Bolen 024053
Allison Preston 029346
TERRAVCC.0155.1

Attorneys for Defendants

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

WILLIAM M. BROWN, an individual,

Plaintiff,

v.

Case No. CV2017-055475

**TERRAVITA COUNTRY CLUB,
INC., an Arizona non-profit
corporation; STERLING J. LAAVEG,
President TCC, Inc., and his spouse;
PAUL DAVID TOLK, Vice President
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.

**REPLY IN SUPPORT OF MOTION TO
DISMISS DEFENDANTS BOLEN, PATEL
AND CARPENTER HAZLEWOOD
DELGADO & BOLEN, LLP**

Defendants Carpenter Hazlewood Delgado & Bolen, LLP, Joshua M. Bolen (“Bolen”), and Anjali J. Patel (“Patel”), (collectively, the “Defendants”) by and through undersigned counsel, hereby files this reply in support of its motion to dismiss Plaintiff’s claims for the reason that Plaintiff has failed to state a claim upon which relief may be

1 granted against the Defendants pursuant to Ariz. R. Civ. P. 12(b)(6). This Motion is
2 supported by the pleadings in this matter and the following Memorandum of Points and
3 Authorities, all of which are incorporated by reference.
4

5 **Memorandum of Points and Authorities**

6 Again, in the Plaintiff's Complaint the Defendants are only named individually in
7 the caption, and the Complaint itself fails to articulate any legal claims against the
8 Defendants. In his response, Plaintiff fails to address this deficiency. Instead of
9 acknowledging the deficiency, Plaintiff attacks the Defendants' professional courtesies and
10 advocacy for their client as an attempt to conjure-up some sort of legal duty owed to the
11 Plaintiff. There is simply no legal duty owed to the Plaintiff by the Defendants, and the
12 ADRE's final order only binds the Plaintiff and the Association.
13
14

15 Defendants, throughout its dealings with the Plaintiff, have only tried to be
16 amicable, accommodating and respectful to the Plaintiff. It is the Defendants' continued
17 position that they are only named in this lawsuit as form of harassment by the Plaintiff, as
18 there is no justifiable or supported reason for naming the Defendants in his Complaint.
19

20 For the reasons stated above, Plaintiff's response still fails to state a claim set
21 forth in his Complaint against the Defendants. Thus, there is no claim upon which
22 relief can be granted against the Defendants. The Defendants respectfully request that
23 the Court dismiss all of Plaintiff's claims with prejudice against the Carpenter,
24 Hazlewood, Delgado & Bolen, LLP, Bolen and Patel, and request that the Court award
25 costs expended in defending against these frivolous claims.
26
27
28

1 RESPECTFULLY SUBMITTED this 22nd day of November 2017.

2 Carpenter, Hazlewood, Delgado & Bolen, LLP

3
4 By: /s/Allison Preston

5 Joshua Bolen 024053
6 Allison Preston 029346
7 1400 E. Southern Ave., Suite 400
8 Tempe, Arizona 85282
9 *Attorneys for Defendants*

10 **CERTIFICATE OF SERVICE**

11 ORIGINAL of the foregoing electronically
12 filed this 22nd day of November, 2017, with:

13 Clerk of the Court
14 Maricopa County Superior Court
15 www.AZTurboCourt.gov

16 COPY of the foregoing mailed
17 this 22nd day of November, 2017, to:

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

22 /s/Tamara Zhilyaev