

SUPREME COURT OF ARIZONA

THE BOULDERS HOMEOWNERS)
ASSOCIATION, a domestic) Arizona Supreme Court
nonprofit corporation,) No. CV-22-0039-PR
)
) Court of Appeals
Petitioner,) Division One
) No. 1 CA-SA 21-0233
v.)
) Maricopa County
THE HONORABLE DANIEL MARTIN,) Superior Court
Judge of the SUPERIOR COURT OF) No. CV2021-006704
THE STATE OF ARIZONA, in and for)
the County of MARICOPA,) **FILED 3/8/2022**
)
Respondent Judge.)
)
TOWN OF CAREFREE, a municipal)
corporation and political)
subdivision of the State of)
Arizona,)
)
Real Party in Interest.)
_____)
)

O R D E R

On February 17, 2022, Petitioner Boulders Homeowners Association filed an "Emergency Motion for Stay and Preliminary Injunction." The Town of Carefree filed a response to the motion on March 4, 2022.

A party seeking a stay on appeal must establish the following elements: (1) a strong likelihood of success on the merits; (2) irreparable harm if the stay is not granted; (3) that the harm to the requesting party outweighs the harm to the party opposing the stay; and (4) that public policy favors granting of the stay. *Smith v. Ariz. Citizens Clean Elections Comm'n*, 212 Ariz. 407, 410 ¶ 10 (2006). These same elements must be established in seeking a

preliminary injunction. *Fann v. State*, 251 Ariz. 425, 432 ¶ 16 (2021).

Having considered the motion and response, based upon the information provided and the interests at issue, and in the exercise of this Court's discretion,

IT IS ORDERED denying the motion. The petition for review shall be considered in due course.

DATED this 8th day of March, 2022.

_____/s/_____
ANN A. SCOTT TIMMER
Duty Justice

TO:

Dale S Zeitlin
Casandra C. Markoff
Hon. Daniel G Martin
Christopher W Kramer
Brian Imbornoni
Alexander J. Egbert
Hon. Jeff Fine