

1 Fabian Zazueta, [REDACTED]
2 Garrett Respondek, [REDACTED]
3 Oscar Fimbres-Ruiz, [REDACTED]
4 **ZAZUETA LAW, PLLC**
5 2633 E. Indian School Rd., Ste. 370
6 Phoenix, AZ 85016
7 Office: [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 *Attorneys for Gregory Gillespie*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 [REDACTED]

14 **Case No.: CV2021-052893**

15 **Plaintiff,**

16 **v.**

17 **GREGORY GILLESPIE,**

18 **Defendant.**

19 **REPLY IN SUPPORT OF**
20 **PLAINTIFF'S MOTION FOR LEAVE**
21 **TO SUPPLEMENT APPLICATION**
22 **FOR COSTS**

23 (Assigned to the Hon.
24 Michael Gordon)

25 Defendant/Counterclaimant Gregory Gillespie ("Defendant"), by and through
26 undersigned counsel, hereby replies in support of his Motion for Leave to Supplement
Application for Costs ("Reply"). This Reply is supported by the following Memorandum
of Points and Authorities.

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Plaintiff [REDACTED] ("Plaintiff") contends that the Motion should be denied,
29 because the Motion does not cite to a specific rule. Plaintiff also contends that Defendant
30 has not established excusable neglect. Lastly, Plaintiff argues that the supplemental costs
31 are improper under Ariz.R.Civ.P. 54(f)(1). Plaintiff's arguments are without merit.

32 First, Plaintiff's citation to Ariz.R.Civ.P. 7.1(a)(2) is incomplete. In relevant part,
33 the rule provides: "All motions must be accompanied by a memorandum setting forth the
34 reasons for granting the motion, along with citations to the specific parts or pages of

LAW

ZAZUETA

1 supporting authorities and evidence.” The Motion states the reasons for granting the
2 Motion and is therefore in compliance with Ariz.R.Civ.P. 7.1.

3 Moreover, Defendant notified Plaintiff that he intended to supplement his costs and
4 demonstrated the good cause via the Motion. Even if excusable neglect is the applicable
5 standard, Defendant has established excusable neglect. *State v. Jackson*, 210 Ariz. 466,
6 470, ¶ 15, 113 P.3d 112, 116 (App. 2005) (“The general test of what is excusable is whether
7 the neglect or inadvertence is such as might be the act of a reasonably prudent person under
8 the same circumstances.”) (internal citations omitted). Here, Defendant acted like a
9 reasonably prudent person under the circumstances. Defendant’s counsel filed its
10 Application for Costs with the material in their possession and indicated that he would
11 supplement the Application for Costs when he received the additional costs. Once
12 Defendant’s counsel received the supplemental costs, he promptly sought leave and filed
13 the present Motion.

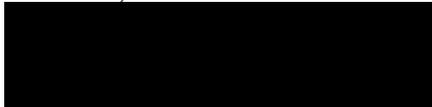
14 Lastly, if the Court grants the present Motion, Defendant will submit a separate
15 verification for the supplemental costs. The supplemental statement of costs also clearly
16 represents the costs that have been incurred in this Action.

17 For the foregoing reasons, the Court should grant the present Motion.

18 **RESPECTFULLY SUBMITTED** this 24th day of January 2024.

19 **ZAZUETA LAW, PLLC**

20
21 /s/ Garrett Respondek
22 Fabian Zazueta, Esq.
23 Garrett Respondek, Esq.
24 Oscar Fimbres-Ruiz, Esq.
25 2633 E. Indian School Rd., Ste. 370
26 Phoenix, AZ 85016


Attorneys for Gregory Gillespie

1 **ELECTRONICALLY** filed this same day
via AZTurboCourt.com.

2 **COPY** emailed this same day on:

3 Kyle O'Dwyer, Esq.
4 **FORTIFY LEGAL SERVICES**
5 3707 E. Southern Ave.
6 Mesa, AZ 85206

7 
Attorney for Plaintiff

8 /s/ Garrett Respondek



10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26