



Court of Appeals

AMY M. WOOD
CLERK OF THE COURT

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

Phone: (602) 452-6700

Fax: (602) 452-3226



DIVISION ONE
FILED: 04/18/2022
AMY M. WOOD,
CLERK
BY: cdc

April 18, 2022

Christina Spurlock, Clerk
Maricopa County Superior Court
201 West Jefferson Street
Phoenix, Arizona 85003

Dear Mr. Fine:

RE: 1 CA-CV 22-0104

KNIGHT v. LUDWIG, et al.
Mohave County Superior Court
B8015CV201804003

Certified copy of ORDER dismissing appeal is included herewith in the above entitled and numbered cause.

There are no physical record items to be returned to your Court.

If digital exhibits were submitted through the Arizona digital exhibit portal in this case, access to those exhibits by the Court of Appeals will be removed by the Superior Court pursuant to ARCAP Rule 24(c).

Any electronically filed materials will be retained by the Court of Appeals.

AMY M. WOOD, CLERK

By cdc
Deputy Clerk

Enclosures (as noted)

c:

J Jeffrey Coughlin

Daniel J Oehler

Hon Lee Frank Jantzen, Juvenile Presiding Judge

Hon Christina Spurlock, Clerk

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 03/09/2022
AMY M. WOOD,
CLERK
BY: KLE

NANCY KNIGHT,)
) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 22-0104
)
v.) Mohave County
) Superior Court
GLEN LUDWIG and PEARL LUDWIG,) No. B8015CV201804003
Trustees of THE LUDWIG FAMILY)
TRUST; FAIRWAY CONSTRUCTORS,)
INC.; HEHDI AZARMI; JAMES B.)
ROBERTS and DONNA M. ROBERTS,)
husband and wife,)
)
)
Defendants/Appellees.)
_____)

ORDER DISMISSING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).

Appellant filed a breach of contract complaint against appellees concerning a declaration of covenants, conditions, and restrictions. During the proceedings, appellees filed a motion to join required parties. The superior court granted the motion and entered an Arizona Rule of Civil Procedure 54(b) order directing appellant to join every lot owner as a party to the case. Appellant appeals from that order.

Including Rule 54(b) language does not make an order appealable if the order does not dispose of at least one separate claim in a multi-claim action. *Davis v. Cessna Aircraft Corp.*, 168 Ariz. 301, 304 (App. 1991).

The order does not dispose of any claims or parties in the underlying action. Consequently, the inclusion of Rule 54(b) language was improper, and the order is not appealable. See *Kim v. Mansoori*, 214 Ariz. 457, 460-61, ¶¶ 9-10 (App. 2007). Therefore,

IT IS ORDERED dismissing this appeal.

_____/s/_____
Kent E. Cattani, Chief Judge

A copy of the foregoing
was sent to:

J Jeffrey Coughlin
Daniel J Oehler
Hon Lee Frank Jantzen

The foregoing instrument is a full, true and correct
copy of the original on file in this office.

ATTEST 04/18/2022

AMY M. WOOD, CLERK OF THE COURT
of Division One Court of Appeals,
State of Arizona

BY cdc

