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8
9 **SUPERIOR COURT OF ARIZONA**

10 **YAVAPAI COUNTY**

11 RESIDENTS OF THE RED ROCK LOOP, INC.,
a Delaware nonprofit corporation, and THE
12 SMOKE TRAIL RANCH PROPERTY
OWNERS ASSOCIATION, INC., an Arizona
13 nonprofit corporation,

14 Plaintiffs,

15 v.

16 YAVAPAI COUNTY, ARIZONA, by and
through the YAVAPAI COUNTY BOARD OF
17 SUPERVISORS and GLOBAL COMMUNITY
COMMUNICATIONS ALLIANCE, an Arizona
18 Corporation.

19 Defendants.

Case No. P-1300-CV2021-00142

FIRST AMENDED COMPLAINT
(Declaratory and Injunctive Relief)

21 For their Complaint against defendants, Plaintiffs Residents of the Red Rock Loop, Inc.
22 (“Red Rock”) and The Smoke Trail Ranch Property Owners Association, Inc. (“Smoke Trail
23 HOA”) allege as follows:

24 1. Plaintiff Smoke Trail HOA is an Arizona nonprofit corporation which represents
25 five (5) property owners which own real property in Yavapai County in an area commonly
26 known as “Smoke Trail Ranch.”

1 12. Sedona Ranch is an upscale subdivision planned and platted by La Merra
2 Property, LLC.

3 13. Sedona Ranch is contiguous with and located immediately to the southeast of the
4 Global Property.

5 14. Smoke Trail HOA is a homeowners association representing five (5) property
6 owners in Smoke Trail Ranch.

7 15. Properties in Smoke Trail Ranch are located in the immediate vicinity to the
8 west of the Global Property.

9 16. Sedona Ranch and Smoke Trail Ranch are also subject to residential zoning
10 pursuant to the Zoning Ordinance.

11 17. Pursuant to the Zoning Ordinance, “[a]ny use or structure not specifically
12 permitted by District Provisions (or analogous to a permitted use or structure) shall be
13 deemed prohibited and unlawful.”

14 18. Global has consistently used the Global Property in ways not permitted by any
15 applicable District Provisions imposed by the Zoning Ordinance, including, *inter alia*, open
16 fire pits, camp sites, non-permitted improvements, outdoor latrines, stages, amplified music,
17 commercial sales, and food sales (collectively, the “Prohibited Uses”).

18 19. Moreover, Global has consistently and routinely permitted and/or encouraged its
19 business invitees to trespass onto private property within Sedona Ranch.

20 20. In 2019, Yavapai County informed representatives of Plaintiffs that it would
21 enforce its Zoning Ordinance and prohibit Global from continuing to engage in the Prohibited
22 Uses.

23 21. Yavapai County’s enforcement was subject to a public hearing at which the
24 Board of Adjustment voted unanimously to enforce its Zoning Ordinance and order Global to
25 cease the Prohibited Uses.

26

1 the deliberations and proceedings. All legal action of public bodies shall occur during a public
2 meeting.”

3 31. A.R.S. 38-431.02 required the County to “[p]ost all public meeting notices on
4 their website and give additional public notice as is reasonable and practicable as to all
5 meetings.”

6 32. Moreover, the Legislature required the Yavapai County Board of Supervisors to
7 publicly post an agenda of the February 19, 2020 meeting “of the matters to be discussed or
8 decided at the meeting or information on how the public may obtain a copy of such an
9 agenda,” and such agenda was *required* to “list the *specific matters* to be discussed,
10 considered or decided at the meeting.” (emphasis added).

11 33. A.R.S. § 38-431.02 prohibited the County Board of Supervisors from
12 “discuss[ing], consider[ing,] or mak[ing] decisions” on matters not identified in the agenda.

13 34. The Yavapai County Board of Supervisors did not comply with the Open
14 Meeting law, because they did not publicly provide the required notice or agenda that listed
15 the “specific matter” of a proposed settlement agreement between Yavapai County and
16 Global.

17 35. A.R.S. § 38-431.05 provides that “[a]ll legal action transacted by any public
18 body during a meeting held in violation of any provision of this article is null and void.”

19 36. Because the Yavapai County Board of Supervisors did not comply with the Open
20 Meeting law, the purported action of approving the Settlement Agreement is void; and thus,
21 the Settlement Agreement is void.

22 **COUNT TWO**

23 **(Injunctive Relief—Against Global)**

24 37. The allegations of the foregoing paragraphs are incorporated herein by this
25 reference.
26

1 38. Global’s continued and expanding Prohibited Uses violates zoning ordinances
2 and other regulations governing the Global Property.

3 39. Global’s continued and expanding Prohibited Uses causes a significant negative
4 impact on Plaintiffs’ use and enjoyment of Sedona Ranch and Smoke Trail Ranch, because
5 the Prohibited Uses cause harmful and noxious odors, smoke, amplified music at all hours,
6 litter, debris, unsightliness, and other harms to the owners and invitees of La Merra and
7 members of the Smoke Trail HOA.

8 40. Global’s continued and expanding Prohibited Uses are unreasonable,
9 unwarranted, and/or or unlawful, and produces such material annoyance, inconvenience, and
10 discomfort to Plaintiffs, that Plaintiff and/or Plaintiffs’ members have been damaged.

11 41. Plaintiffs have no just, speedy, or adequate remedy at law to avoid injury
12 resulting from Global’s continued Prohibited Uses; and therefore, injunctive relief is an
13 appropriate remedy.

14 WHEREFORE, Plaintiffs respectfully requests that the Court enter Judgment in their
15 favor and against the Defendants named herein as follows:

16 A. Declaring that the February 19, 2020 Board of Supervisors Meeting was
17 conducted in violation of the Arizona Open Meeting Law, and that as a result, any purported
18 action taken at such meeting is null and void.

19 B. Declaring that the Settlement Agreement is null and void.

20 C. Preliminarily and permanently enjoining Global from continuing the Prohibited
21 Uses;

22 D. Awarding Plaintiffs damages against Global for the injuries Plaintiffs have
23 suffered as a result of the Prohibited Uses;

24 E. Ordering any other relief the circumstances may require or that the Court deems
25 appropriate.
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RESPECTFULLY SUBMITTED this 6th day of May, 2021.

DICKINSON WRIGHT, PLLC

By: /s/ Scot L. Claus
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