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12 **SUPERIOR COURT OF THE STATE OF ARIZONA**
13 **YAVAPAI COUNTY**

14 RESIDENTS OF THE RED ROCK LOOP,
15 INC., a Delaware nonprofit corporation, and
16 THE SMOKE TRAIL RANCH PROPERTY
17 OWNERS ASSOCIATION, INC., an Arizona
18 nonprofit corporation,

19 Plaintiffs,

20 v.

21 YAVAPAI COUNTY, ARIZONA, by and
22 through the YAVAPAI COUNTY BOARD
23 OF SUPERVISORS and GLOBAL
24 COMMUNITY COMMUNICATIONS
25 ALLIANCE, an Arizona Corporation

26 Defendants.

27 **Case No. P1300-CV2021-00142**

28 **ANSWER OF DEFENDANT GLOBAL
COMMUNITY COMMUNICATIONS
ALLIANCE**

29 Defendant Global Community Communications Alliance, ("Defendant GCCA"),
30 answers the allegations of the First Amended Complaint as follows:

31 1. Answering the allegations of paragraphs 1 and 2, Defendant GCCA lacks sufficient
32 information concerning the alleged entities, their members or the purported property owners to
33 admit the allegations.

34 2. Defendant GCCA admits the allegations of paragraph 3.

35 3. Answering the allegations of paragraph 4, Defendant GCCA admits that it is a non-profit

1 organization, that it owns real property in the area, but denies that the parcel is adjacent to
2 Smoke Trail Ranch. GCCA further admits that a portion of its property is contiguous with a
3 portion of Sedona Ranch.

4 4. Defendant GCCA admits the allegations of paragraphs 5 and 6.

5 5. Answering the allegations of paragraph 7, GCCA acknowledges the plaintiffs'
6 classification under Tier 3, and that the classification for discovery will be worked out through
7 the Joint Report that is to be prepared on behalf of the parties and presented to the Court.

8 **Answers and Responses to Allegations Common to All Counts**

9 6. Defendant GCCA's responses to paragraphs 1-7 of the First Amended Complaint are
10 incorporated as its response to paragraph 8.

11 7. Answering the allegations of paragraph 9, Defendant GCCA admits that it owns the
12 property designated as APN 408-31-025L, and affirmatively alleges that it also owns the
13 contiguous parcels identified as APN 408-31-038A and APN 408-31-038J. Together these
14 parcels are in excess of fifteen (15) acres in size.

15 8. Answering the allegations of paragraph 10, Defendant GCCA admits that the present
16 Yavapai Zoning classifications are R1-12 and R1L-35. Defendant GCCA affirmatively alleges
17 that other entitlements apply to the property and that other property rights are established and
18 associated with the property, including rights arising under the Religious Land Use and
19 Institutionalized Persons Act of 2000 ("RLUIPA"), 42. U.S.C.A. § 2000cc *et seq*, and the
20 Arizona Free Exercise of Religion Act ("FERA"), A.R.S. § 41-1493 *et seq*.

21 9. Answering the allegations of paragraph 11, Defendant GCCA admits that Yavapai
22 County Planning and Zoning Ordinance 400 has application to the property, but affirmatively
23 alleges that additional entitlements are associated with the property through certification,
24 approved site plans, and issued permits from Yavapai County. Defendant GCCA further alleges
25 that Section 400 of the Yavapai County Planning and Zoning Ordinances are subject to
26 application, interpretation, variances and other discretionary decisions.

27 10. Answering the allegations of Paragraph 12, Defendant GCCA lacks sufficient
28 information to admit the allegations and alleges that it is not aware of a subdivision named
"Sedona Ranch" in the area.

1 11. Answering the allegations of Paragraph 13, Defendant GCCA acknowledges that a
2 segment of its property is contiguous with a portion of a parcel to the southeast.

3 12. Defendant GCCA lacks sufficient information concerning the allegations of paragraph
4 14.

5 13. Defendant GCCA denies the allegations of paragraph 15.

6 14. Answering the allegations of paragraph 16, Defendant GCCA believes that the alleged
7 subdivisions are subject to Yavapai County Zoning Ordinances, but lacks sufficient information
8 concerning the actual application as it relates to the subdivisions and properties within them.

9 15. Answering the allegations of paragraph 17, Defendant GCCA admits the language
10 is from the Ordinance.

11 16. Defendant GCCA denies the allegations of paragraphs 18 and 19.

12 17. Answering the allegations of Paragraph 20, Defendant GCCA lacks sufficient
13 information to admit the allegations.

14 18. Answering the allegations of Paragraph 21, Defendant GCCA alleges that the County's
15 zoning enforcement is subject to public hearings at the Yavapai County Board of Adjustment
16 and Appeals, but denies that the Yavapai County Board of Adjustment voted unanimously
17 regarding GCCA's use of its property. GCCA further alleges that the Board of Adjustment's
18 denial of GCCA's appeal of this was in violation of the County Ordinances, Arizona State laws,
19 and federal laws and statutes.

20 19. Answering the allegations of Paragraph 22, Defendant GCCA admits that a settlement
21 agreement was entered, but denies the remaining allegations.

22 20. Answering the allegations of Paragraph 23, Defendant GCCA admits that approval of
23 the Settlement Agreement was a topic and discussed at the Yavapai County Board of
24 Supervisors meeting on February 19, 2020 but denies the remaining allegations.

25 21. Defendant GCCA denies the allegations of paragraphs 24, 25, 26 and 27.

26 **COUNT ONE**

27 22. Defendant GCCA hereby incorporates its responses to paragraphs 1-27.

28 23. Defendant GCCA admits the allegations of paragraphs 29, 30, and 31.

1 24. Answering the allegations of paragraphs, 32 and 33, Defendant GCCA alleges that the
2 language of the Ordinances are of public record.

3 25. Defendant GCCA denies the allegations of paragraphs 34 and 36, and alleges that the
4 language cited in paragraph 35 is of public record.

5 **COUNT TWO**

6 26. Defendant GCCA incorporates its responses to paragraphs 1-36 herein.

7 27. Defendant GCCA denies the allegations of paragraphs 37, 38, 39, 40, and 41.

8 28. All allegations of the First Amended Complaint not affirmatively admitted are hereby
9 denied.

10 **DEFENSES**

11 29. GCCA affirmatively alleges that the Plaintiffs have failed to establish standing to bring
12 some or all of their claims.

13 30. GCCA affirmatively alleges that plaintiffs' lawsuit fails to state a claim upon which
14 relief can be granted.

15 31. GCCA affirmatively alleges that the plaintiffs have adequate remedies at law.

16 32. GCCA affirmatively alleges that plaintiffs' have failed to adequately allege specific
17 harm and/or damages to property to support a claim for nuisance.

18 33. GCCA affirmatively alleges that Yavapai County duly certified GCCA's use of the
19 property, acknowledged GCCA's established religious use and rights relating to its property,
20 and has issued permits for improvements for its uses on which GCCA has justifiably relied.

21 34. GCCA alleges upon information and belief that plaintiffs, and owners of property
22 within the plaintiffs' entities, failed to timely appeal from the Board of Supervisors February
23 2020 decision.

24 35. GCCA alleges that plaintiffs' claims may be barred by laches, statutes of limitations
25 and failure to exhaust administrative remedies.

26 36. Discovery in this action has not commenced and material facts may be obtained as this
27 action progresses that may support other affirmative defenses available to GCCA, but that are
28 presently unknown. Therefore, GCCA affirmative alleges all applicable affirmative defenses

1 pursuant to Rules 8 and 12 of the Arizona Rules of Civil Procedure as though each has been set
2 forth fully herein

3 WHEREFORE, having answered the First Amended Complaint, Defendant GCCA prays
4 for judgment as follows:

5 A. That plaintiffs be denied all relief requested;

6 B. That plaintiffs' claims be dismissed with prejudice;

7 C. That GCCA be awarded its attorneys' fees if appropriate, and its costs and litigation
8 expenses; and

9 D. For such other and further relief as the Court may deem just and proper.

10
11 DATED this 11th day of October, 2021.

12 JACKSON WHITE PC

13 /s/Anthony Misseldine

14 By: Anthony Misseldine and David Clukey
15 Attorneys for Defendant Global Community
16 Communications Alliance

17 Original filed with the Court on
18 October 11, 2021 and copies
19 e-served and emailed to:

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