



We want to bring you up to date on some recent developments regarding Corbin McNeill's complaint against CP Boulders (the Boulders' owner). We are sending this, in part, because in the past we have seen the Owner tell a different version of events when negotiations failed. We want to ensure you have the accurate story.

You may recall that Judge McNamee's Scheduling Order requires counsel for both parties to confer to develop a joint proposed scheduling order and to address questions regarding the most efficient way to proceed with the lawsuit, including possible opportunities for settlement. A meeting of the attorneys is required not later than September 6 and the Pre-trial Conference with the Judge to establish the schedule for the case is scheduled for September 27.

In the context of settlement, the Owner's attorney, Mr. Vinci approached Corbin's attorneys at Gallagher & Kennedy (G&K), who also represent BMAC, to inquire about possible interest in mediation, a process recommended by Judge McNamee at the Motion to Dismiss hearing. This was the first time since January 2023 that the owners expressed any willingness to meet, despite BMAC's repeated requests last year.

Because any settlement with the Owner ultimately would require Member approval, Corbin consulted with Matt Lobas, President of BMAC, about this development. Following those conversations, Mr. Vinci was told that we were open to mediation, but preparation for the trial continues and that Mr. McNeill would not allow further delay in the case.

Shortly after their counsel proposed mediation, the Owners issued their surprise series of confusing

announcements that “Members under the 2008 bylaws” would no longer have access to play pickleball. While several of the announcements were later described as mistakes, our view is that they were deliberate steps to intimidate Members.

Members were highly incensed by the confusing string of Club emails concerning pickleball. Many contacted BMAC and the Club office to express their shock and total frustration. Members of the Pickleball Association were particularly upset in that it threatened their Inter-club plans. Members who play pickleball have been significantly harmed financially as a result of the Owner’s assault on our rights and privileges since early last year. They have been assessed ever-increasing fees to play, and now their Club activity is actually denied to them.

The assault on pickleball followed the early summer decision by the Resort Manager to change a decades old practice of Member access to the daily tee sheet. This change in policy frustrates Members’ ability to select tee times with friends or others of comparable playing ability, is contrary to the practice of most other “first class” clubs, and it unnecessarily burdens the Pro Shop, further detracting from the status of a “first class” Club.

Corbin's view, shared by BMAC, is that these recent events are nothing more than a continuation of the Owner's retaliation, intimidation, and disregard of our Members’ rights. The Owner has not demonstrated the **good faith and respect for Members** necessary to provide a solid ground for mediation. As a result, Mr. Vinci has been informed that **this is not the right time for mediation. We are sending a message that we will not be intimidated.**

The legal team continues to prepare for the September 27 Preliminary Pre-Trial Conference with Judge McNamee. We will update you next at the conclusion of the Pre-Trial Conference.

We again want to **THANK YOU** for your continued support and contributions. Corbin’s objectives in this lawsuit remain firm and steadfast, namely “**RIP**”

- **Restoration of the privileges that Members previously enjoyed. Pickleball for all Members without additional fees, alternating courses, and discounts in particular.**
- **Investment in the golf courses, tennis and pickleball courts and the dining and club facilities to achieve and maintain a “first class” club, and**
- **Prevention of an event similar to this happening in the future.**

All of his actions will be undertaken with these objectives in mind.

Legal Enforcement Fund

In response to some recent inquiries about the status of the Legal Enforcement Fund, Corbin and his attorneys and advisors say the fund is sufficient at this time. New contributions are always welcome and greatly appreciated. Any unused funds will be refunded.

**To support Corbin McNeill's efforts to enforce our contract - the 2008 Bylaws -
with a donation to the Legal Enforcement Fund,**

Send your check made out to **Gallagher and Kennedy Client Trust** to

Gallagher & Kennedy,

2575 E. Camelback Road, Suite 1100, Phoenix, AZ 85016-9225

Attn: Dominick San Angelo

Visit the BMA

Boulders Members Association | 34631 N Tom Darlington Drive | Scottsdale, AZ 85266 US

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