



DIVISION ONE
FILED: 02-23-2010
PHILIP G. URRY, CLERK
BY: DN

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

MELINDA GABRIELLA VALENZUELA,) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 09-0656
)
v.) Maricopa County
) Superior Court
STATE OF ARIZONA,) No. LC2009-000391-001 DT
)
Defendant/Appellee.) DEPARTMENT M
)
) DECISION
) O R D E R
)
_____)

Judges Sheldon H. Weisberg, Philip Hall, and John C. Gemmill have reviewed the answering brief, in which appellee State of Arizona concedes error. The superior court dismissed the complaint based on the State's argument in its motion to dismiss that appellant Melinda Gabriella Valenzuela violated the vexatious litigant order concerning Valenzuela because Valenzuela did not obtain permission to file the complaint. In its answering brief, the State concedes error based on its discovery that Valenzuela applied for and was granted authorization to file the complaint in this matter. It thus asks this court to vacate the judgment and remand to the superior court for further proceedings.

1 CA-CV 09-0656

Page 2 of 2

IT IS ORDERED vacating the dismissal order entered in the superior court on August 20, 2009, and remanding the case to the superior court for further proceedings.

/S/ _____
SHELDON H. WEISBERG
PRESIDING JUDGE