

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

HONORABLE LEE F. JANTZEN
DIVISION 4
DATE: FEBRUARY 24, 2020

***DL**

COURT ORDER/NOTICE/RULING

NANCY KNIGHT,
Plaintiff,

vs.

CV-2018-04003

GLEN LUDWIG, et al., et ux.,
Defendants.

The Court has reviewed this file. This case remains complicated and difficult due to the number of pleadings filed and the size of the pleadings. The Court allowed both parties to exceed page limits on the Motions for Summary Judgment and both parties did so. The Court believes the only pending motions (after issues are addressed on some less significant pleadings below) are Plaintiff's Motion for Partial Summary Judgment on Signage filed November 25, 2019 and Defendant's Motion for Summary Judgment filed December 6, 2019.

IT IS ORDERED setting the Plaintiff's Motion for Partial Summary Judgment on Signage and Defendant's Motion for Summary Judgment for oral argument on **Monday, March 30, 2020 at 9:00 a.m.** The Court will reserve the rest of the morning calendar (three hours) for the hearing. If either side believes additional time is needed, please contact the Court's Judicial Assistant by email to reschedule. When contacting the Court's Judicial Assistant for scheduling please remember to copy the other party with any contact with the Court.

As to other issues, Plaintiff filed two separate motions for corrections on December 17, 2019. One is a two-page motion that is titled Motion for Corrections to Court Order/Notice/Ruling dated October 30, 2019, but in the body, addresses Plaintiff's request to correct minutes from the Status Conference on October 16, 2019.

The second is a five-page document titled Motion for Corrections Hearing Date Oct 16, 2019, and which in the body of the document actually deals with the corrections requested by the Plaintiff from the October 30, 2019 pleading.

Adding to the Court's confusion is both motions have the footer at the bottom of each page "Pleading for Corrections of Status Conference held October 16, 2019".

The Court will attempt to deal with the issues raised in the motions jointly below and, because of the confusion, will avoid addressing either one of them as titled.

The simplest one is the first two corrections from the October 30, 2019 minute entry relating to the Court incorrectly calling the Plaintiff's Motion for Leave to Amend filed on June 19, 2019 the Fifth Motion for Leave to Amend. It was not the fifth motion. The Court corrected that error on the record during the December 4, 2019 hearing and made it clear the error had nothing to do with the Court's ruling on the motion.

For clarification, **IT IS ORDERED** adopting the Plaintiff's request for correction and specifically stating the October 30, 2019 minute entry stating Fifth Motion for Leave to Amend is wrong. The Court did deny and is denying Defendant's Motion for Leave to Amend the Complaint filed June 19, 2019.

This order addresses every time the Court incorrectly referred to a fifth motion in the October 30, 2019 minute entry.

The second request by Plaintiff to correct the order issued on October 30, 2019 is more complicated but does reach the same result. The Plaintiff is asking the Court to change the final sentence in paragraph three of that ruling to state the Court disagrees with defense argument, instead of agrees, and to add some additional language. The Court will not do that but will once again address the incorrect "number" on the Motion for Leave to Amend Complaint.

The Court, as requested, will correct its ruling to reflect the Court is denying Plaintiff's **Second** Motion for Leave to Ament the Complaint.

This does not mean the Court is going to issue a new minute entry. It is just pointing out the corrections (as it did on the record in the December 4, 2019).

As to Plaintiff's requests to correct anything in the October 16, 2019 minute entry, it is not clear from the pleadings exactly what the Plaintiff is asking. Hopefully, all issues have been addressed in some form or another. The Court is not stating that the October 16, 2019 minute entry is perfect but finds any corrections unnecessary at this point as we move forward in this case.

Finally, the Court addresses Defendant's Notice of Request for Production of Documents and Things filed December 13, 2019 and Plaintiff's Response to Defendant's Notice of Request for Production of Documents and Things, filed January 7, 2020. This was not a motion and therefore there is nothing for the Court to rule on. If necessary, after the oral arguments on the pending motions, the Court will address

whether the defense is satisfied with Plaintiff's suggested solution regarding production of documents.

The Court takes no further action at this time.

cc:

Nancy Knight
Plaintiff

Daniel J Oehler
Attorney for Defendants

Virlynn Tinnell*
Clerk of Superior Court

Honorable Lee F Jantzen
Division 4