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9 Attorney for Defendants

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MOHAVE

8 NANCY KNIGHT,  
9 Plaintiff,  
10 vs.

NO.: CV-2018-04003

**MOTION TO STRIKE  
PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT**

11 GLEN LUDWIG and PEARL LUDWIG, Trustees  
12 of THE LUDWIG FAMILY TRUST; FAIRWAY  
13 CONSTRUCTORS, INC.; MEHDI AZARMI;  
14 JAMES B. ROBERTS and DONNA M.  
15 ROBERTS, husband and wife; JOHN DOES 1-10;  
16 JANE DOES 1-10; ABC CORPORATIONS 1-10;  
and XYZ PARTNERSHIPS 1-10.  
Defendants.

17 Pursuant to Rule 7.1, Ariz. R. Civ. Proc., Defendants LUDWIG FAMILY TRUST,  
18 FAIRWAY CONSTRUCTORS, INC., and MEHDI AZARMI (hereinafter the “LFA  
19 Defendants”), by and through their attorney, the undersigned, hereby requests this Court  
20 strike the entirety of the Plaintiff’s Motion for Summary Judgment filed by Plaintiff on or  
21 about February 2, 2023.

22 Plaintiff’s current pleading titled “Plaintiff’s Motion for Summary Judgment” fails to  
23 comply with the minimum mandated requirements for a motion for summary judgment which  
24 are set forth in Rule 56 Ariz. R. Civ. Proc. (hereinafter referred to simply as “Rule 56”).

25 For the purpose of this Motion exclusively if one were to concede that Plaintiff’s  
26 February 2, 2023, pleading minimally qualifies as a “supporting memorandum” which is  
27 required by Rule 56(c)(3)(A), Plaintiff has failed to file the mandatory balance of the  
28 required documentation to allow Plaintiff’s filing to move forward in any manner before the

1 Court. No "Statement of Facts" has been filed. Rule 56(c)(3)(A) specifically states:

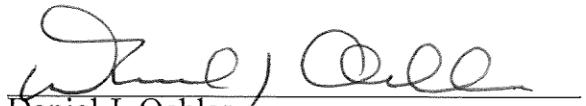
2 " (A) Moving Party's Statement. The moving party **MUST** set forth, in  
3 a statement separate from the supporting memorandum, the specific  
4 facts relied on in support of the motion. The facts **MUST** be stated in  
5 concise, numbered paragraphs. The statement **MUST** cite the specific  
6 part of the record where support for each fact may be found."  
(Emphasis supplied.)

6 Plaintiff has failed to deliver as of the date of preparation and filing of this Motion a  
7 statement of facts of any type let alone one that is "... in concise, numbered paragraphs." It  
8 follows that the Plaintiff, the moving party, has failed to "cite the specific part of the record  
9 where support for each fact may be found" that is referenced in each paragraph of Plaintiff's  
10 supporting memorandum thereby violating and fatally ignoring this specific provision of  
11 Rule 56(c)(3)(A).

12 Given the rapidly approaching 30 day deadline (Rule 56(c)(2)) for Defendants'  
13 responsive pleading subsequent to service of Plaintiff's filing of what may have been  
14 intended by Plaintiff to represent Plaintiff's supporting memorandum under Rule 56, and  
15 Plaintiff's failing to comply with the remaining Rule 56 requirements, Plaintiff's filing with  
16 this Court on February 2, 2023, captioned "Plaintiff's Motion for Summary Judgment"  
17 should be stricken from the record and Defendants should be awarded their reasonable  
18 attorney fees and costs incurred in preparation of this Motion to Strike.

19 RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of February, 2023.

20 LAW OFFICES OF DANIEL J. OEHLER

21   
22 Daniel J. Oehler,  
23 Attorney for Defendants

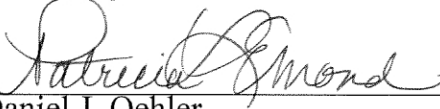
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1 **COPY** of the foregoing emailed  
this 23<sup>rd</sup> day of February, 2023, to:

2 Honorable Lee F. Jantzen  
3 Mohave County Superior Court  
4 Division 4  
401 E. Spring Street  
Kingman, Arizona 86401  
5 (928) 753-0785 Danielle  
[dlecher@courts.az.gov](mailto:dlecher@courts.az.gov)

6 Plaintiff

7 Nancy Knight  
1803 E. Lipan Circle  
8 Fort Mohave, Arizona 86426  
(928) 768-1537  
9 [nancyknight@frontier.com](mailto:nancyknight@frontier.com)

10 By:   
11 Daniel J. Oehler

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