

1 **LAW OFFICES**
2 **DANIEL J. OEHLER**
3 **2001 Highway 95, Suite 15**
4 **Bullhead City, Arizona 86442**
5 **(928) 758-3988**
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7 djolaw@frontiernet.net

8 Daniel J. Oehler, Arizona State Bar No.: 002739
9 Attorney for Defendants

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 NANCY KNIGHT,

13 Plaintiff,

14 vs.

15 GLEN LUDWIG and PEARL LUDWIG, Trustees
16 of THE LUDWIG FAMILY TRUST; FAIRWAY
17 CONSTRUCTORS, INC.; MEHDI AZARMI;
18 JAMES B. ROBERTS and DONNA M.
19 ROBERTS, husband and wife; JOHN DOES 1-10;
20 JANE DOES 1-10; ABC CORPORATIONS 1-10;
21 and XYZ PARTNERSHIPS 1-10.

22 Defendants.

NO.: CV-2018-04003

**RESPONSE TO PLAINTIFF'S
OBJECTION TO FEBRUARY
17, 2023 COURT ORDER
AND SUBSEQUENT
AFFIDAVIT FOR ATTORNEY
FEES FILED APRIL 28, 2023**

23 COME NOW, the Defendants, by and through their attorney, the undersigned, and
24 provides this Court with their Response to Plaintiff's Objection to the above-referenced filing
25 hereinabove captioned.

26 This Response is submitted to the Court requesting that the fees and costs incurred by
27 the responding Defendants be awarded to the Defendants pursuant to the provisions of
28 A.R.S. §12-349 all in accord with the attached Memorandum of Points and Authorities.

RESPECTFULLY SUBMITTED this 12th day of May, 2023.

LAW OFFICES OF DANIEL J. OEHLER



Daniel J. Oehler,
Attorney for Defendants

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Judge Jantzen, at the request of the Defendants, set a Status Conference to consider
3 the multitude of motions that had been filed in this cause of action dating from September
4 29, 2022, through the end of February 2023. At the conclusion of the February 17, 2023,
5 Status Conference that included a discussion of the various subject motions, the Court
6 entered the following Orders, and I quote:

7 **“IT IS ORDERED** denying the Plaintiff’s Motion for
8 Leave to Amend the Complaint for Affidavit Fraud.

9 **IT IS ORDERED** denying the Plaintiff’s Motion for
10 Injunctive Relief.

11 **IT IS ORDERED** denying the Plaintiff’s Motion to
12 Dismiss the Abandonment Claim for Unclean Hands.

13 **IT IS ORDERED** denying the Plaintiff’s Motion to
14 Reconsider the Gag Order except for the Plaintiff can serve the
15 indispensable parties.

16 **IT IS ORDERED** denying the Plaintiff’s request to
17 vacate the stipulation regarding the indispensable parties.

18 **IT IS ORDERED** granting the Defendants’ Motion to
19 Strike the Response to the motion to set this Status Conference.

20 **IT IS ORDERED** the Plaintiff pay attorney’s fees for the
21 motions filed from September 29, 2022, to present except for the
22 Plaintiff’s Motion for Summary Judgment filed on February 2,
23 2023.

24 Mr. Oehler is directed to file an affidavit of attorney fees
25 and Ms. Knight will have the opportunity to respond to that.”

26 Thereafter, and in accordance with the specific Order entered by the trial court on
27 February 17, 2023, counsel for the Defendants filed an Application for Attorney Fees and
28 Costs pursuant to the Order dated February 17, 2023, that expressly and precisely complied
with this Court’s Orders as is attested to by the Affidavit of Attorney Fees. The undersigned
further prepared and executed a Statement of Costs pursuant to the directive of the Court.
Plaintiff has filed a response that in name is titled as an “Objection,” however, in reality is
some sort of new reconsideration motion regarding multiple prior ruled upon Plaintiff’s
motions dealing with denied Plaintiff motions for fraud, injunctions, unclean hands, Rule 19

1 indispensable parties joinder, formal orders to be served on “necessary and indispensable
2 parties,” as well as Plaintiff’s bias motions against the Court - decided by a second Judge as
3 not supported and not reflecting bias, determined after review by a Yavapai County Judge
4 that bias was not present:

5 “In her response to the *Motions to Dismiss*, she admits she
6 decided to initiate this second suit because she is attempting to
7 avoid a finding from another Superior Court that the CC&Rs
8 have been abandoned. She states further concerns that the
9 Courts have ‘been led by the nose’ by attorneys. She also
10 suggests, ‘There exists a real possibility that bias is affecting
11 court rulings.’ Finally, she alleges ‘justice will not prevail with
12 biased judges.’ There is no evidence in the record of judges
13 being ‘led by the nose’ or bias affecting court rulings.” See,
14 *Knight v. Ludwig, et al.*, Yavapai County Superior Court Case
15 No. P1300CV202200177, Under Advisement Ruling & Order
16 entered August 11, 2022.

17 Plaintiff further cites a “messy document” presented by Defendants’ attorney (see, Plaintiff’s
18 May 1, 2023 Objection p. 8, line 11) (copy of proposed order filing attached hereto as
19 **Exhibit A** which is a copy of Plaintiff’s attorney’s proposed order and a copy of Defendants’
20 attorney’s proposed order).

21 An in-camera review of the Motions for which Defendants have filed an affidavit
22 regarding attorney fees specifically consist of the motion pleadings set forth in **Exhibit B**
23 attached hereto and made a part hereof as if set forth in full herein and no others.

24 As is indicated in the Defendants’ Application for Attorney Fees and Costs, the
25 subject fee request that collectively totals \$13,225.00 plus \$97.14 in costs are limited to only
26 the subject Motions filed by the Plaintiff in the time frame directed by the Court despite the
27 fact that were a considerable number of additional motions and/or responses to motions that
28 required replies from Defendants that are not included in the Application for Attorney Fees
and Costs. Defendants’ requests include specifically the additional time that was expended
in preparation of the subject documentation reflected on page 1 of 2 in the fee summary for
work that was necessitated directly related to the Court’s February 17, 2023 Order, those
being the preparation of the draft of fees and costs, the certification affidavit and companion
document that were collectively filed on April 3 and April 4, 2023, as well as the Arizona

1 Turbo Court filing fees that were incurred on April 28, 2023, for the submittal of the ordered
2 documentation.

3 The Court's in its February 17, 2023, Status Conference minute entry stated:

4 "Mr. Oehler presents arguments on attorney fees and
5 requests the Court rule on Defendant's Motion to Strike the
6 Plaintiff's response to the request for this hearing.

6 Ms. Knight presents arguments on the Motion to Strike.

7 **IT IS ORDERED** granting the Defendant's Motion to
8 Strike the Response to the motion to set this Status Conference."

9 A review of the various written responses to the subject Motions for which attorney
10 fees were sought in writing include Defendant's November 18, 2022, Response to Plaintiff's
11 November 2, 2022, Motion to Dismiss Abandonment Claim for Unclean Hands; Defendants'
12 November 23, 2022, Response to Motion for Leave to Amend Complaint for Affidavit
13 Fraud; and Defendants' November 23, 2022, Response to Plaintiff's Motion for Injunctive
14 Relief. There were written requests for fee awards on each of the above-referenced pleadings
15 in addition to Defendants' request verbalized at the February 17, 2023, Status Conference.

16 Plaintiff's response captioned "Objection" to the award of attorney's fees fails to
17 dispute the accuracy of a single time entry or the work performed regarding any entries that
18 were set forth in either the Fee Summary or the Affidavit in support of the Fee Summary.
19 This Court is referred to A.R.S. §12-349(A) regarding the authority of the Court to enter fee
20 awards for motion practice that:

- 21 "1. Brings or defends a claim without substantial
22 justification.
23 2. Brings or defends a claim solely or primarily for delay or
24 harassment.
25 3. Unreasonably expends or delays the proceeding."

26 The Defendants' request is for reimbursement of the attorney fees actually incurred
27 regarding these specific motions and/or responses under A.R.S. §12-349 and do not include
28 additional damages or a request therefore that are otherwise also allowed pursuant to A.R.S.
§12-349.

1 The Plaintiff's May 1, 2023, Objection consisting of some 12 pages fails to focus on
2 the issue that is before the Court and that is whether or not the fees requested accrued as a
3 result of the motions which were the specific subject matters specified by the Court. To the
4 contrary, the majority of Plaintiff's May 1, 2023, memorandum deals with an order entered
5 by the trial court initially at the oral argument on the issue of who is to join the indispensable
6 parties that was decided more than a year ago on January 10, 2022. See Plaintiff's May 1,
7 2023, Objection, p. 5, line 27, argument 4, dealing with Plaintiff's continuing refusal to abide
8 by this court's order requiring Plaintiff to join the indispensable parties. The entirety of p.
9 6 and p. 7 through line 24 of p. 8, are devoted entirely to a totally irrelevant issue dealing
10 with, once again, Plaintiff's refusals to comply with this Court's prior orders dealing with
11 Rule 19 indispensable parties.

12 Plaintiff's Objection goes on to a second issue and Plaintiff is arguing about the fully
13 irrelevant issue stated in her first sentence of subparagraph C beginning at line 24 of p. 8:

14 "C. Recusal of the Court. Plaintiff further objects to
15 the attorney fees pursuant to the judge disqualifying himself on
16 April 27, 2023 for all matters in this case."

17 The Defendants' fee request submitted does not allocate one minute of time expended
18 as a result of Plaintiff's failed bias affidavits nor the direct self-disqualification that took
19 place of the Court of April 27, 2023. Plaintiff is simply opining on irrelevant facts, irrelevant
20 issues and inserting Plaintiff's inappropriate and improper statements concerning one or more
21 judges that Plaintiff continuously berates and that have nothing whatsoever to do with the
22 issue of the award of attorney fees pursuant to the Court's findings on February 17, 2023.

23 A review of Plaintiff's conclusions under subparagraph D beginning on p. 9 of her
24 May 1, 2023 Objection, simply amplifies Plaintiff's misdirection, and Plaintiff's disdain and
25 contempt for this Court. Plaintiff's document, once again, has nothing whatsoever to do with
26 the issue of the award of attorney fees. Plaintiff discusses Plaintiff's Yavapai County case
27 which is currently on appeal to Division Two of the Arizona Court of Appeals after having
28 been dismissed at the Superior Court level. Plaintiff is arguing in what is supposed to be her
objection to attorney fees but rather discusses Plaintiff's previously failed motion for


1 consolidation of this case into a dismissed Yavapai County case.

2 Finally, ¶4 on p. 10 at line 22, touches momentarily upon the issue before the Court
3 today, however, immediately descends into the additional irrelevant items set forth on page
4 11, ¶¶5, and 6, and finally at ¶7 wherein Plaintiff is moving this Court to reverse the Court
5 Order of February 17, 2023, 180 degrees and award Plaintiff §12-349 penalties against
6 Defendants' counsel.

7 Plaintiff's opposition should be ignored as fully non-responsive and denied.
8 Defendants should be allowed to recover Defendants' additional fees and costs necessitated
9 by the Plaintiff's filing and for the preparation of this Response reflecting Plaintiff's
10 continuing acrimonious dispute and refusal to abide by any order of the Court.

11 RESPECTFULLY SUBMITTED this 12th day of May, 2023.

12 LAW OFFICES OF DANIEL J. OEHLER

13
14 
15 Daniel J. Oehler,
Attorney for Defendants

16 **COPY** of the foregoing emailed
17 this 12th day of May, 2023, to:

18 Honorable Dale P. Nielson
19 Navajo County Superior Court
20 Post Office Box 668
21 Holbrook, Arizona 86025
(928) 524-4220
22 Katelin Lerma, Judicial Assistant
23 kalerma@courts.az.gov

24 Plaintiff
25 Nancy Knight
26 1803 E. Lipan Circle
27 Fort Mohave, Arizona 86426
28 (928) 768-1537
nancyknight@frontier.com

25 By: 
26 Patricia L. Emond, Legal Assistant

Knigh t v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Plaintiff's Objection to a February 17, 2023
Court Order and Subsequent Affidavit for Attorney Fees Filed
on April 28, 2023**

EXHIBIT A

1 LAW OFFICES
2 DANIEL J. OEHLER
3 2001 Highway 95, Suite 15
4 Bullhead City, Arizona 86442
5 (928) 758-3988
6 (928) 763-3227 (fax)
7 djolaw@frontiernet.net

8 Daniel J. Oehler, Arizona State Bar No.: 002739
9 Attorney for Defendants

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

NANCY KNIGHT,

Plaintiff,

vs.

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

Defendants.

NO.: CV-2018-04003

**NOTICE OF FILING
PROPOSED ORDERS**

COME NOW, the Defendants, by and through their attorney, the undersigned, and file herewith the following two (2) documents:

1. Plaintiff's proposed Order titled "Revised Proposed Order 9-19-22 (1)" that includes revisions made by Attorney Coughlin in yellow; and

2. Defendants' proposed Order titled "Revised Proposed Order 9-23-22 (1)" which is the document initially prepared by Attorney Coughlin (Document No. 1, above) wherein the undersigned incorporated Attorney Coughlin's revisions that had originally

///

///

1 appeared in yellow, further edited, revised and rearranged the document in blue, and returned
2 the same to Attorney Coughlin on September 23, 2022, for further review.

3 RESPECTFULLY SUBMITTED this 28th day of September, 2022.


4 LAW OFFICES OF DANIEL J. OEHLER

5 
6 Daniel J. Oehler,
7 Attorney for Defendants

8 **COPY** of the foregoing emailed
9 this 28th day of September, 2022, to:

10 Honorable Lee F. Jantzen
11 Mohave County Superior Court
12 Division 4
13 401 E. Spring Street
14 Kingman, Arizona 86401
15 (928) 753-0785 Danielle
16 dlecher@courts.az.gov

17 Attorney for Plaintiff
18 J. Jeffrey Coughlin
19 J. Jeffrey Coughlin, PLLC
20 1570 Plaza West Drive
21 Prescott, Arizona 86303
22 (928) 445-4400
23 (928) 445-6828 fax
24 jjcpllc@gmail.com

25 By: 
26 Patricia L. Emond, Legal Assistant
27
28

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 jjcpllc@gmail.com

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9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 **NANCY KNIGHT,**

13 **Plaintiff,**

14 **Case No. B8015CV2018 04003**

15 **vs.**

16 **GLEN LUDWIG and PEARL LUDWIG,**
17 **Trustees of THE LUDWIG FAMILY**
18 **TRUST; FAIRWAY CONSTRUCTORS,**
19 **INC.;**
20 **MEHDI AZARMI; JAMES B. ROBERTS**
21 **and DONNA M. ROBERTS, husband and**
22 **wife; JOHN DOES 1-10; JANE DOES 1-**
23 **10; ABC CORPORATIONS 1-10; AND**
24 **XYZ PARTNERSHIPS 1-10.**

25 **Defendants.**

PROPOSED ORDER

IT IS ORDERED that in the event the Plaintiff does not take
substantial steps to join all necessary and indispensable parties within the next
one hundred fifty (150) days, this matter will be dismissed.

IT IS ORDERED the caption of this case shall not be amended until
after service is substantially accomplished and the Court can determine

1 whether to join a landowner who files a responsive pleading as a Plaintiff or
2 Defendant.

3 **IT IS ORDERED** at the time Plaintiff requests the Clerk of the Court
4 to issue Summons to be served upon the additional parties, the Plaintiff **shall**
5 file an Excel spreadsheet in electronic form that lists the Assessor's Parcel
6 Number in numerical order in column A, the specific lot number in column B, as
7 well as name(s) and mailing address of the current owner of each parcel in
8 column C, in the row number corresponding to the Assessor's Parcel Number,
9 in accordance with the current Mohave County Assessor's office information
10 on file, reflecting the owners' respective mailing address and/or addresses.

11 The spreadsheet shall specifically include those lots that are located in Desert
12 Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D and Tract 4163.

13 Further, the Court shall require Plaintiff to include a full set of the
14 Declaration of Covenants, Conditions and Restrictions for Desert Lakes Golf
15 Course & Estates Tract 4076-D that overlays the full set of the Declaration of
16 Covenants, Conditions and Restrictions for Tract 4076-B. The Notice must
17 also include a statement that Tract 4163 has no separate Declaration of
18 Covenants, Conditions and Restrictions other than the imposed restrictions in
19 Tract 4076-B that included the lands constituting Tract 4163.

20 **IT IS ORDERED** Plaintiff shall cause to be served in compliance with
21 Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), each and every
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1 owner identified in accord with the provisions of the immediately preceding
2 paragraph.

3 **IT IS ORDERED** Plaintiff serve those necessary and indispensable
4 parties with a summons, a copy of the Complaint filed with this Court on
5 January 22, 2018, a copy of the Declaration of Covenants, Conditions and
6 Restrictions For Desert Lakes Golf Course and Estates Tract 4076-B
7 (recorded in Official Records of Mohave County on December 18, 1989 at
8 Book 1641, Page 895) and a Notice approved by the court.
9

10
11 The Notice shall be approved by the Court in the manner set forth
12 below.

13
14 **IT IS ORDERED** the Plaintiff may accomplish service in the following
15 manner:

16 1. The Plaintiff first may attempt to obtain an Acceptance of
17 Service from all property owners.

18
19 2. For those property owners who will not sign an Acceptance
20 of Service, the Court authorizes alternative service by mail as provided in Rule
21 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are located within Arizona
22 or outside the State.

23 3. For those lot owners who have not signed a return receipt, the
24 Plaintiff shall cause to be completed in conjunction with ARCP Rules 4, 4.1 and
25 4.2 personal service upon the subject lot owner/s.

1 4. For those property owners who are not served in the ways set
2 forth above, the Court will consider Plaintiffs' request for other forms of
3 alternative service.

4 **IT IS ORDERED** by **January 31, 2023**, or at the time of filing an initial
5 pleading or motion with the Court, whichever is sooner, all parties and
6 attorneys appearing in this case **SHALL** designate and maintain an e-mail
7 address with the Clerk of the Court **and** the other parties. The e-mail address
8 will be used to electronically distribute any document, including minute entries
9 and other orders, rulings, and notices described in Rule 125, *Rules of the*
10 *Supreme Court* by e-mail or electronic link in lieu of distribution of paper
11 versions by regular mail. The e-mail address shall be designated on each
12 document filed. In the event that a party's e-mail address changes, that change
13 shall immediately be brought to the attention of the Clerk of Superior Court
14 and included on subsequent filings and pleadings.

15 **IT IS ORDERED** that the Clerk of the Superior Court is authorized to
16 electronically distribute **all pleadings and documents**, including minute entries
17 and other orders, rulings, and notices described in Rule 125, *Rules of the*
18 *Supreme Court* by e-mail or electronic link in lieu of distribution of paper
19 versions by regular mail.
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23 **IT IS ORDERED**, after initial service of the Summons, Notice and
24 Plaintiff's Complaint and with the exception that originals of all documents
25

1 must be filed with the Clerk of the Court in electronic format, all parties are
2 authorized to transmit documents to all other parties in electronic format and
3 shall attach to the original document filed with Clerk of Court a notice that the
4 document was transmitted electronically to the other parties along with a list of
5 the names of the parties and e-mail addresses to which electronic transmission
6 was sent.

8 **IT IS ORDERED** any party who declines to provide the Clerk of the
9 Court and the other parties with an e-mail address **SHALL** be assessed the
10 actual cost of mailing.

11 **IT IS ORDERED** the Clerk of Court of the Mohave County Superior
12 Court shall provide public access to all pleadings previously filed and to be filed
13 in this litigation through its "High Profile Cases" link on its website.

14 The Court has prepared and attached to this Ruling a draft of a Notice to
15 be served upon all landowners together with a Summons and Plaintiff's
16 Complaint. Counsel shall be given an opportunity for input into the form of
17 Notice as follows.

18 **IT IS ORDERED** counsel for both sides shall have until September 30,
19 **2022** to file objections and proposals for the Notice.

1 J. Jeffrey Coughlin (013801)
2 **J. JEFFREY COUGHLIN PLLC**
3 1570 Plaza West Drive
4 Prescott, Arizona 86303
5 Telephone: (928) 445-4400
6 Facsimile: (928) 445-6828
7 jjcpllc@gmail.com

8
9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 **NANCY KNIGHT,**

13 **Plaintiff,**

14 **Case No. B8015CV2018 04003**

15 **vs.**

16 **GLEN LUDWIG and PEARL LUDWIG,**
17 **Trustees of THE LUDWIG FAMILY**
18 **TRUST; FAIRWAY CONSTRUCTORS,**
19 **INC.;**
20 **MEHDI AZARMI; JAMES B. ROBERTS**
21 **and DONNA M. ROBERTS, husband and**
22 **wife; JOHN DOES 1-10; JANE DOES 1-**
23 **10; ABC CORPORATIONS 1-10; AND**
24 **XYZ PARTNERSHIPS 1-10.**

25 **PROPOSED ORDER**

26 **Defendants.**

27 **IT IS ORDERED** the caption of this case shall not be amended until
28 after service is substantially accomplished and the Court can determine
29 whether to join a landowner who files a responsive pleading as a Plaintiff or
30 Defendant.

31 **IT IS ORDERED** at the time Plaintiff requests the Clerk of the Court
32 to issue Summons to **the Plaintiff shall provide and input all necessary data**

1 and information for the issuance by the Court system of the Summonses that
2 will be served upon each of the additional parties. The Plaintiff shall
3 simultaneously file with the Clerk of the Court and serve on the existing
4 Defendants an Excel spreadsheet in electronic form that lists the Assessor's
5 Parcel Number in numerical order in column A, the specific lot and tract number
6 in column B, as well as name(s) and mailing address of the current owner of
7 each parcel in column C, in the row number corresponding to the Assessor's
8 Parcel Number, in accordance with the current Mohave County Assessor's
9 office information on file, reflecting the owners' respective mailing address
10 and/or addresses. The spreadsheet shall specifically include those lots that are
11 located in Desert Lakes Golf Course and Estates Tract 4076-B, Tract 4076-D
12 and Tract 4163.

15 **IT IS ORDERED** Plaintiff shall cause to be served in compliance with
16 Arizona Rules of Civil Procedure, Rule 4.1(c)(1)(A)-(G), each and every
17 owner identified in accord with the provisions of the immediately preceding
18 paragraph.

20 **IT IS ORDERED** Plaintiff shall cause to be served upon each those
21 necessary and indispensable party a set of documents hereinafter referred to as the
22 "Service Packet" that shall include: ~~parties with a~~ (1) their/its personal summons,
23 (2) a copy of the Plaintiff's Complaint filed with this Court on January 22, 2018,
24 (3) a copy of the Declaration of Covenants, Conditions and Restrictions For Desert
25 Lakes Golf Course and Estates Tract 4076-B (recorded in Official Records of

1 Mohave County on December 18, 1989 at Book 1641, Pages 895-901), (4) a copy
2 of the Declaration of Covenants, Conditions and Restrictions for Desert Lakes
3 Golf Course and Estates Tract 4076-D (recorded in Official Records of Mohave
4 County on October 19, 1990 at Book 1808, Pages 509-514), (5) Waiver of Service
5 and Acceptance of Service forms, and (6) a Notice approved and finally prepared
6 by the Court.
7

8 **IT IS ORDERED** the Plaintiff may accomplish service in the following
9 manner:

10 1. The Plaintiff ~~first~~ may attempt to obtain an Acceptance of
11 Service from all property owners. Plaintiff shall comply fully with the
12 provisions of Rule 4.1 and/or Rule 4.2, *Ariz.R.Civ.P.*, regarding transmittal of a
13 proposed "Acceptance of Service" and the legal effects of "waiving service" per
14 Rule 84, Forms 1-2, *Ariz.R.Civ.P.*, and "accepting service" per Rule
15 12(a)(1)(A)(ii), *Ariz.R.Civ.P.* The Service Packet including the "Acceptance of
16 Service" documentation shall be sent via United States Postal Service (USPS)
17 first class mail to the parties. Only the Court approved documentation shall be
18 transmitted.
19

20
21 2. For those property owners who ~~will~~ do not sign an
22 Acceptance of Service, the Court authorizes alternative service by mail as
23 provided in Rule 4.2(c), *Ariz.R.Civ.P.* whether the property owner(s) are
24 located within Arizona or outside the State.
25

1 3. For those lot owners who have ~~do~~ not signed a return receipt, the
2 Plaintiff shall cause to be completed, in ~~conjunction~~ **full accord** with ARCP Rules
3 4, 4.1 and 4.2, personal service upon the subject lot owner/s.
4

5 4. For those property owners who are not served in the ways set
6 forth above, the Court ~~will~~ **may** consider Plaintiff's request for other forms of
7 alternative service.

8 **IT IS ORDERED** by January 31, 2023, or at the time of filing an initial
9 pleading or motion with the Court, whichever is sooner, all parties and
10 attorneys appearing in this case shall designate and maintain an e-mail address
11 with the Clerk of the Court and the other parties. The e-mail address will be
12 used to electronically distribute any document, including minute entries and
13 other orders, rulings, and notices described in Rule 125, *Rules of the Supreme*
14 *Court* by e-mail or electronic link in lieu of distribution of paper versions by
15 regular mail. The e-mail address shall be designated on each document filed.
16 In the event that a party's e-mail address changes, that change shall
17 immediately be brought to the attention of the Clerk of Superior Court and
18 included on subsequent filings and pleadings.
19
20

21 **IT IS ORDERED** that the Clerk of the Superior Court ~~is authorized to~~
22 **shall** electronically distribute all pleadings and documents, including minute
23 entries and other orders, rulings, and notices described in Rule 125, *Rules of*
24 *the Supreme Court* by e-mail or electronic link in lieu of distribution of paper
25 versions by regular mail.

1 **IT IS ORDERED**, after initial service of the ~~Summons, Notice and~~
2 ~~Plaintiff's Complaint~~ "**Service Packet**" and with the exception that originals of
3 all documents must be filed with the Clerk of the Court in electronic format, all
4 parties are authorized to transmit documents to all other parties in electronic
5 format and shall attach to the original document filed with Clerk of Court a
6 notice that the document was transmitted electronically to the other parties
7 along with a list of the names of the parties and e-mail addresses to which
8 electronic transmission was sent.

10 **IT IS ORDERED** any party who declines to provide the Clerk of the
11 Court and the other parties with an e-mail address shall be assessed the actual
12 cost of mailing.

14 **IT IS ORDERED** the Clerk of Court of the Mohave County Superior
15 Court shall provide public access to all pleadings previously filed and to be filed
16 in this litigation through its "High Profile Cases" link on its website.

18 **IT IS ORDERED** Plaintiff shall have no direct nor indirect personal
19 or written contact with the to-be-joined indispensable or necessary parties.

20 **IT IS ORDERED** that in the event the Plaintiff does not take
21 substantial steps to **have fully complied with the specifics of this Order as set**
22 **forth herein to** join all necessary and indispensable parties within the next **one**
23 **hundred fifty (150) days**, this matter ~~will~~ **shall** be dismissed.

25 **The Notice approved and finally prepared by the Court to be included in**
the "**Service Packet**" shall state, at a minimum, the following:

1 1. The Declaration of Covenants, Conditions and Restrictions for
2 Desert Lakes Golf Course & Estates Tract 4076-B and Tract 4076-D that
3 overlays the full set of the Declaration of Covenants, Conditions and
4 Restrictions for Tract 4076-B.
5

6 2. Tract 4163 has no separate Declaration of Covenants,
7 Conditions and Restrictions other than the imposed restrictions in for Tract
8 4076-B that included the lands constituting Tract 4163.

9 3. The legal effects of “waiving service” per Rule 84, Forms 1-2,
10 *Ariz.R.Civ.P.*, and “accepting service” per Rule 12(a)(1)(A)(ii), *Ariz.R.Civ.P.*
11

12 The Court has prepared and attaches to this Ruling a draft of a the
13 Notice to be included in the “Service Packet” and served upon all landowners.
14 together with a Summons and Plaintiff’s Complaint

15 **IT IS ORDERED** counsel shall be given an opportunity for input into
16 the form of Notice as follows: for a period of twenty (20) days after the
17 Court’s proposed form is electronically delivered to Plaintiff’s and
18 Defendants’ counsel.
19

20 DONE IN OPEN COURT this ___ day of _____, 2022.

21
22 _____
23 Judge of the Superior Court
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Knigh t v. Ludwig, et al.
Mohave County Superior Court
Docket No. CV-2018-04003

**Response to Plaintiff's Objection to a February 17, 2023
Court Order and Subsequent Affidavit for Attorney Fees Filed
on April 28, 2023**

EXHIBIT B

Knigh t v. Ludwig, et al.
Motions filed by Plaintiff 09/29/2022 - 02/17/2023

1	09/29/2022	Plaintiff	Motion for Leave to Amend for Affidavit Fraud
	11/23/2022	Defendant	Response
	11/25/2022	Plaintiff	Reply
	02/17/2023	Court	Denied
2	10/03/2022	Plaintiff	Motion to reconsider gag order on Plaintiff;
3	10/03/2022	Plaintiff	Motion to reconsider that Plaintiff is to join parties;
4	10/03/2022	Plaintiff	Motion to reconsider denial of leave to amend complaint; and
5	10/03/2022	Plaintiff	Motion for consolidation of 8 parties from Yavapai County case
	11/11/2022	Defendant	Response
	02/17/2023	Court	Denied
6	10/24/2022	Plaintiff	Motion for Injunctive Relief
	11/23/2022	Defendant	Response
	02/17/2023	Court	Denied
7	11/02/2022	Plaintiff	Motion to Dismiss Abandonment Claim for Unclean Hands
	11/18/2022	Defendant	Response
	11/21/2022	Plaintiff	Reply
	02/17/2023	Court	Denied
8	12/01/2022	Defendant	Request to Set Status Conference
	12/05/2022	Plaintiff	Response in Objection to Request
	12/09/2022	Defendant	Motion to Strike Response
	12/12/2022	Plaintiff	Response in Objection to Motion to Strike
	02/17/2023	Court	Status Conference held