

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

HONORABLE DALE P. NIELSON  
VISITING JUDGE

DATE: AUGUST 7, 2023

NOTICE

NANCY KNIGHT,

Plaintiff,

vs.

GLEN LUDWIG, et al.,

Respondent.

CASE NO.: CV-2018-04003

The Court has before it for ruling several motions that have been reviewed with counsel. The Court will rule on each motion in turn.

**Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment filed on December 6, 2019. Defendant's Motion to Strike Plaintiff's Motion to Strike. Motion to Strike Plaintiff's Reply to the Motion to Strike:**

The Plaintiff has moved to strike a pleading that was filed on December 6, 2019, to which Plaintiff filed a Response and Defendants a Reply, and that was argued to the Court on or about May 11, 2020, and ruled on by the Court on August 12, 2020. There is no basis in the Rules of Civil Procedure that allow for such a motion. The Defendant's Motion to Strike the Motion to Strike is granted. Motion to strike Plaintiff's reply is granted. The reply is ordered stricken pursuant to ARCP Rule 7(f)(1)(2)(A) and (C). Defendants have moved for attorney's fees in connection with the work done in responding to these motions. The court will consider an application for attorney's fees for work done in connection with these motions.

**Plaintiff's Motion for Change of Venue filed March 22, 2023:**

The Plaintiff has expressed concerns that she cannot get a fair trial in Mohave County. She has asserted that there are "defamatory posters attached to mail boxes, acrimonious insertion of profane comments written on posters, mails that neighbors are opposed to the Law Suit for Breach of Contract, the High Profile Website for all documents filed in this matter, the Gag Order imposed by Hon. Judge Jantzen and Defendant Azarmi's position on the Planning & Zoning Committee and Advisory Board for fifteen years and his "Citizen of the Year" award from the Bullhead Chamber of Commerce and more, Plaintiff believes she cannot get a fair trial in Mohave County."

The provisions of A.R.S. §12-401 are the controlling law on this issue. A.R.S. §12-401 reads: "No person shall be sued out of the county in which such person resides, except: Actions for the recovery of real property, for damages thereto, for rents, profits, use and occupation thereof, for partition thereof, to quiet title thereto, to remove a cloud or incumbrance on the title thereto, to foreclose mortgages and other liens thereon, to prevent or stay waste or injuries thereto, and all other actions concerning real property, shall be brought in the county in which the real property or a part thereof is located."

"B. Grounds which may be alleged as provided in subsection A for change of venue are:

1. That there is other good and sufficient cause, to be determined by the court: "That there exists in the county where the action is pending so great a prejudice against the party requesting a change of venue that he cannot obtain a fair and impartial trial.
2. That the convenience of witnesses and the ends of justice would be promoted by the change."

The Court finds that the Plaintiff has failed to establish that she cannot receive a fair trial in Mohave County. There is no evidence offered to support her claim except the Plaintiff's assertions. Furthermore, A.R.S. §12-406(C) reads: "C. The party applying for the change of venue shall at the time of application file a bond to be approved by the judge of the court conditioned that he will pay all costs that may be adjudged against him in the action if the application is granted. The truth and sufficiency of the grounds shall be determined by the Court, but a decision thereon refusing the change may be assigned as error on appeal."

The Plaintiff has failed to post a bond or request an amount of a bond from the court. For the foregoing reasons the Motion for Change of Venue is denied.

#### **Motion for Gag Order:**

The Motion for a Gag Order against the Defendant's is denied. The Plaintiff has failed to establish that defendants or their counsel have engaged in the kind of conduct that precipitated the gag order against the Plaintiff or any other conduct that would require such an order. The Court will consider an application for attorney's fees for work done in connection with this motion.

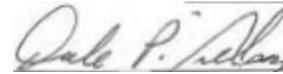
#### **Motion for Attorney Oehler to State a Claim of Abandonment pursuant to Rule 12 and to Conform with an Extension of Time to Serve Indispensable Parties their service Packet:**

The Court finds the Defendants have provided notice of their defenses pursuant to Rule and the Court is not inclined to order them to give notice of a defense that it appears has been made by them several times over the years that this litigation has been pursued. The Court will consider an application for attorneys' fees for work done on this motion.

The Court notes that at oral argument the issue of an extension of time to serve indispensable parties was resolved.

To the Courts knowledge these are all the motions that required a ruling. If the court has missed ruling on any motion Ms. Knight and Mr. Oehler are invited to let the court know what if any motions require the courts attention.

August 7, 2023



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Dated

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The Honorable Dale Nielson Visiting Judge

cc:

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