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8 Daniel J. Oehler, Arizona State Bar No.: 002739
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.

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;
17 and XYZ PARTNERSHIPS 1-10.

18 Defendants.

NO.: CV-2018-04003

MOTION TO STRIKE

*Arizona Rules of Civil Procedure
Rule 12(f)*

17 COME NOW, the Defendants, GLEN LUDWIG and PEARL LUDWIG, Trustees of
18 THE LUDWIG FAMILY TRUST; FAIRWAY CONSTRUCTORS, INC.; and MEHDI
19 AZARMI (hereinafter referred to collectively as the “Defendants”), by and through their
20 attorney, the undersigned, and respectfully request that this Court strike the following
21 pleadings of the Plaintiff from this matter in their entirety:

22 A. Plaintiff’s proposed “Final Order for Service of Indispensable Parties” filed
23 with this Court on or about August 15, 2023;

24 B. Plaintiff’s “Notice to Property Owners” filed on or about August 15, 2023
25 (hereinafter referenced as “Plaintiff’s Proposed Notice #1”), and appendages thereto
26 denominated “Waiver of Service” and “Summons” all of which were believed to have been
27 filed concurrently on August 15, 2023;

28 C. Plaintiff’s “Amended Notice to Property Owners” filing date unknown,

1 however, transmitted electronically to the undersigned on or about August 20, 2023
2 (hereinafter referenced as “Plaintiff’s Proposed Notice #2”) and allegedly transmitted to the
3 Clerk of the Court on August 21, 2023, and/or August 23, 2023; and, finally

4 D. Plaintiff’s third apparent “Notice to Property Owners” that appears to have
5 been appended to a document captioned “Notice of Plaintiff’s Revision to Notice of Property
6 Owners” dated August 25, 2023 (hereinafter referenced as “Plaintiff’s Proposed Notice #3”).

7 These Defendants have attempted to resolve this issue with the Plaintiff and Plaintiff
8 has declined to take action to have the subject pleadings withdrawn from the record all as is
9 set forth in the undersigned’s Rule 12(j) Arizona Rules of Civil Procedure Certificate filed
10 herewith.

11 These Defendants further request that the Plaintiff be assessed all of these Defendants’
12 attorney’s fees and costs incurred in submitting this application and the efforts to resolve this
13 portion of the dispute voluntarily allowing, after review by this Court, that the Defendants
14 will submit an affidavit of fees and costs and a proposed form of judgment.

15 This Motion is further supported by the attached Memorandum of Points and
16 Authority and facts therein contained.

17 RESPECTFULLY SUBMITTED this 5th day of September, 2023.

18 LAW OFFICES OF DANIEL J. OEHLER

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20 Daniel J. Oehler,
21 Attorney for Defendants

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 On or about August 7, 2023, this Court conducted a hearing and addressed multiple
24 of the then pending motions that had previously been filed by the parties. The Court
25 acknowledged at that time that there was still pending an unresolved issue regarding the form
26 and content of a notice to the Rule 19 necessary and indispensable parties that would be
27 included in a service packet that the Plaintiff was ordered to prepare and have served on
28 those parties. Although the form of order to the Plaintiff regarding the service packet had

1 been ruled upon by Judge Jantzen, the prior judge assigned to this file, on February 21, 2023,
2 as a result of filings, motions and activities within the file, both parties agreed that, at a
3 minimum, the Jantzen notice to indispensable parties document had not been addressed and
4 the time frames for which the Plaintiff was obligated had long expired and it was agreed by
5 all parties that to some extent the form of order to the Plaintiff previously entered by Judge
6 Jantzen would need some modification. The Court ordered, therefore, that the Plaintiff
7 would have an opportunity to submit a new proposed form of order to herself along with a
8 notice to the property owners that would be executed by the Court and included in the service
9 packet to be served upon the Rule 19 parties. The Court indicated that the Plaintiff's
10 proposed amended order to herself (the Jantzen order), as well as Plaintiff's proposed Notice
11 from the Court to the Rule 19 parties for this Court's signature, should be filed within 15
12 days of the subject hearing, and the Defendants' proposed updated or amended order to the
13 Plaintiff regarding service requirements on the Rule 19 parties and a proposed Notice from
14 the Court to the Rule 19 parties should be filed 15 days subsequent to the Defendants' receipt
15 of the Plaintiff's proposal.

16 Thereafter, on or about August 15, 2023, Plaintiff prepared both a proposed order and
17 a Court notice (Plaintiff's Proposed Notice #1).

18 The August 15, 2023, document was reviewed by the undersigned and was found to
19 be legally erroneous, full and replete with erroneous fact statements, erroneous legal
20 statements, misrepresentations, documents intentionally misrepresenting the parties herein,
21 allegations that Defendants had transitioned through some sort of unknown apparent surgical
22 process and become the plaintiffs in the case, and that the Plaintiff was now the defendant
23 and the defendant was allegedly attempting to safeguard the rights of the Rule 19 parties.

24 On or about August 24, 2023, the Defendants through Defendants' counsel prepared
25 a proposed Amended Order to the Plaintiff leaving dates to be inserted by the Court for
26 multiple different necessary procedures that would or could be undertaken by the Plaintiff
27 to complete service of process. The undersigned also prepared proposed forms of Notice to
28 be considered by the Court for the Court's signature and delivery by the Plaintiff in the

1 service packet to the Rule 19 parties. The subject Notice, as a result of the three distinct
2 means of accomplishing service that would be available to the Plaintiff, namely, a waiver
3 process, and acceptance of service process and a direct in-person service by a process server,
4 requiring therefore three slightly distinct Notices depending upon which form of service the
5 Plaintiff selected to utilize in accomplishing service. The subject documents in question
6 simultaneous with being filed with the Court on August 24, 2023, were transmitted
7 electronically to the Plaintiff.

8 In the interim period of time between August 15 and August 24, 2023, the Defendants
9 received from the Plaintiff an Amended Notice to Property Owners (Plaintiff's Proposed
10 Notice #2) via electronic transmittal on Sunday, August 20, 2023, at 7:59 a.m., and thereafter
11 a duplicate submittal on August 21, 2023, at 3:58 p.m. and it appears actually a third
12 submittal on August 23, 2023. Thereafter, on August 25, 2023, the day subsequent to the
13 Defendants delivery of the Defendants' proposed form of order and proposed notice to the
14 property owners, the Defendants received a third proposed notice at approximately 4:37 a.m.
15 (Plaintiff's Proposed Notice #3).

16 The Defendants have been unable to verify or validate whether or not Plaintiff's
17 second and third transmittals were in fact transmitted or received or filed, although as of this
18 writing, it does not appear that the subject documents were in fact received by the Clerk of
19 the Court for filing. **(NOTE: Apparently, "Plaintiff's Proposed Notice #3" was filed by**
20 **the Clerk's office at 2:49 p.m. on Friday, September 1, 2023, however, the document**
21 **was not immediately posted on line until some unknown later time. The undersigned**
22 **did not have notification of its filing until today, September 5, 2023, when searching the**
23 **Court's website.)**

24 On August 30, 2023, the undersigned transmitted a detailed letter to the Plaintiff
25 addressing a multitude of obvious and significant statements contained in the Plaintiff's
26 proposed order to herself and each of the three proposed Court Notices to the Rule 19 parties.

27 The content of the Defendants' August 30, 2023, letter and request that the Plaintiff
28 withdraw the documentation such that it would not become part of the record was fully

1 rejected in every regard by the Plaintiff.

2 The undersigned thereafter on Monday, September 4, 2023, successfully contacted the
3 Plaintiff and after an approximate 20 minute phone conversation with the Plaintiff, it became
4 apparent that no progress was occurring, that Plaintiff believed that the subject Notice was
5 to come from the Plaintiff setting forth the Plaintiff's facts, position, legal interpretations,
6 and separately the Defendants' Notice was to be from the Defendants pointing out
7 Defendants' facts, position, legal interpretation, Plaintiff repeatedly stating that the
8 Defendants were prosecuting the Rule 19 parties.

9 It is the position of the Defendants that it is not necessary to reiterate the errors,
10 misstatements, improper pleadings, false pleadings that are contained in each and every one
11 of Plaintiff's proposed documents. These documents should not and cannot be filed or if
12 filed should be stricken from the record as they represent the exact bases for a motion to
13 strike under Rule 12(f), i.e., they are redundant, they are immaterial for the purpose of the
14 documents in question, they are scandalous, they are false, even to the extent that the Plaintiff
15 feels Plaintiff has the authority to change the parties status alleging and purporting to allege
16 to the Rule 19 parties that the Defendants are the ones responsible for bringing the lot and
17 homeowners into this action in the three subdivision tracts which are the subject matter to
18 this litigation. It is the undersigned's belief that it is unnecessary to point out the specific
19 areas, fact statements, allegations and party reversal efforts wrongfully undertaken by the
20 Plaintiff, each of which are self evident and it would only be redundant to repeat the
21 scandalous, immaterial, false matters, statements, and facts that the Plaintiff wishes this
22 Court to adopt.

23 The pleadings should be stricken and the Plaintiff should be ordered to bear the full
24 costs and attorney's fees that have been incurred as a result of the Plaintiff's conduct.

25 RESPECTFULLY SUBMITTED this 5th day of September, 2023.

26 LAW OFFICES OF DANIEL J. OEHLER

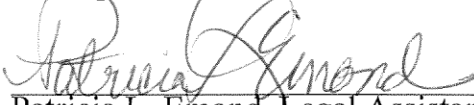
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28 Daniel J. Oehler,
Attorney for Defendants

1 **COPY** of the foregoing emailed
this 5th day of September, 2023, to:

2 Honorable Dale P. Nielson
3 Navajo County Superior Court
4 Post Office Box 668
5 Holbrook, Arizona 86025
6 (928) 524-4220
7 Katelin Lerma, Judicial Assistant
8 kalerma@courts.az.gov

9 Plaintiff
10 Nancy Knight
11 1803 E. Lipan Circle
12 Fort Mohave, Arizona 86426
13 (928) 768-1537
14 nancyknight@frontier.com

15 By: 
16 Patricia L. Emond, Legal Assistant

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