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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 supplement that certain Motion to Strike previously filed with
21 this Court on September 5, 2023, with this Motion. Defendants respectfully request that
22 Plaintiff’s pleadings captioned “Plaintiff’s Response to Defendants September 5, 2023
23 Motion to Strike Plaintiff’s Service Packet Documents” allegedly transmitted to this Court
24 on or about September 9, 2023, by the Plaintiff and in response to the subject Motion to
25 Strike also be stricken. Plaintiff’s Response on each page references “5 September 2023,”
26 however, was received by the undersigned on or about Monday, September 11, 2023,
27 appearing to have been electronically transmitted to the Defendants on Saturday, September
28 9, 2023, between 7:23 a.m. and 10:43 a.m.

1 The documents in question consist of an 11 page Response and appended thereto four
2 exhibits consisting of:

3 Exhibit 1 A letter from Plaintiff to the undersigned dated 08/08/2023;

4 Exhibit 2 A letter from the Plaintiff to the undersigned dated 08/31/2023;

5 Exhibit 3 Plaintiff's newly proposed sixth submitted Notice to the Rule 19
6 property owners; and, finally,

7 Exhibit 4 A copy of Plaintiff's fifth proposed Order to the Plaintiff for
8 Service on the Rule 19 property owners. (This document
9 appears to be identical to Plaintiff's proposed Order to Plaintiff
10 previously submitted on or about August 25, 2023.)

11 The basis for Defendants' previous and pending Motion to Strike the August 15th,
12 August 21st and August 25th documentation is exactly the same basis for Defendants' position
13 on Plaintiff's September 9th pleading. The September 9th documents deliver false statements,
14 false information, fictitious and false pleading, false case and party captions and continue to
15 suggest the Court and Clerk's office fraudulently execute Waiver and Summons documents
16 all of which appear to have been delivered to the Court for potential posting on the High
17 Profile Case website to be broadcasted to the Rule 19 parties.

18 As was the case in the immediate past earlier filings, Plaintiff's September 9, 2023
19 filings, including Plaintiff's opposition to the Motion to Strike, effectively reiterate the
20 failures, the falsities, the misleading statements and misleading legal interpretations that have
21 previously and at length been discussed in Defendants' September 5, 2023, Motion. It is
22 obvious that Plaintiff's writings are intended to provide a continuum of falsity, false, and at
23 a minimum factually disputed information through the High Profile Case website of
24 pleadings to the Rule 19 parties evidencing specifically the Plaintiff's legal interpretations
25 and more accurately stated misinterpretations of the law, factually misleading statements,
26 falsified court documents, all as have been previously discussed in the previously filed and
27 pending Motion to Strike.

28 It is clearly the Plaintiff's hope, desire and objective that, via appending to Plaintiff's

1 recent filing Exhibits 1 and 2 which are Plaintiff's letter communications to the undersigned
2 and attaching them as exhibits, those equally false and misleading epistles will ultimately be
3 made available to the Rule 19 parties through the Court's website. Both Exhibits penned on
4 or about August 8, 2023, and the August 31, 2023, purport to be responsive to the form of
5 Order submitted by the real, not fictitious Defendants to this Court as a possible alternative
6 to the February 21, 2023 Jantzen form of Order. The Jantzen Order, as a result of the
7 hundreds of pages motions and other documentation that has been filed by the Plaintiff, is
8 outdated as to the internal response deadlines and rightfully need to be amended. Some, but
9 not all, of the specific objections in Plaintiff's documents and proposals were indeed set forth
10 in **Exhibit 1** to this Motion, namely, the Defendants' good faith letter submitted to the
11 Plaintiff under date of August 30, 2023, and that specifically outlines some, but certainly not
12 all, of the errors, misstatements, misrepresentations and false pleadings, including submittal
13 of proposed false Court documents proposed by the Plaintiff to be issued by both the Clerk
14 of the Superior Court and regarding the Notice document, a direct Notice from the Judge to
15 the Rule 19 parties.

16 Rule 12(f), Arizona Rules of Civil Procedure, states:

17 “(f) **Motion to Strike.** The court may strike from a pleading
18 an insufficient defense or any redundant, immaterial,
impertinent, or scandalous matter. The court may act:

19 (1) on its own; or

20 (2) on a motion made by a party either before
21 responding to the pleading or, if a response is not
allowed, within 20 days after the pleading is served.”

22 It should be noted that from a historical perspective standpoint, Plaintiff has submitted
23 the following proposed Orders to the Plaintiff from the Court commencing in July 2022:

24 Phase A (Attorney Coughlin/Judge Jantzen era):

25 Proposed number of Orders to the Plaintiff on service: 4

26 Proposed number of Notices to the Rule 19 parties from the Court: 2

27 Phase B (Plaintiff Pro Per/Judge Nielson era through September 1, 2023):

28 Proposed number of Orders to the Plaintiff on service: 1

1 Proposed number of Notices to the Rule 19 parties from the Court: 3
2 Phase C (Plaintiff Pro Per/Judge Nielson era September 2-9, 2023):

3 Proposed number of Orders to the Plaintiff on service: 0

4 Proposed number of Notices to the Rule 19 parties from the Court: 1

5 Cumulatively, therefore, this Court has been provided no fewer than five (5) proposed
6 Orders to the Plaintiff on service submitted by the Plaintiff, and six (6) proposed Notices to
7 the Rule 19 parties, most of which are proposed to be signed not by the Court, but rather the
8 Plaintiff personally, the sixth and last of which, of course, is attached to and marked as
9 Exhibit 3 to the Plaintiff's September 9, 2023, pleading (actual filing date unknown).

10 If there is a single thing clearly known to the Plaintiff it is the fact that Mohave
11 County Superior Court Case No. CV-2018-04003 caption is Nancy Knight, Plaintiff, versus
12 Ludwig, et al., Defendants. Plaintiff nonetheless persists in each of her most recent proposed
13 Notices and attachments (Summons and Waiver) to feel fully free to change the captions on
14 proposed Court documents such as her newly proposed Summons attached to her Response
15 to Defendants' Motion to Strike where she lists herself as the "Defendant Pro Per in the
16 Matter of Abandonment" and lists the Plaintiff as the actual Defendant, further suggesting,
17 for I believe the first time, that the Rule 19 parties should "email a copy of your answer or
18 response to the other Defendant at the email address listed on the top of the summons"
19 which, of course, is Nancy Knight, the "Defendant Pro Per in the Matter of Abandonment"
20 in Case CV-2018-04003. See, p. 2, Summons, Exhibit 3, or, in the alternative, a momentary
21 review of Plaintiff's proposed "Waiver of Service under ARCP Rule 4(f)" again where
22 Plaintiff finds it appropriate to intentionally change the case caption for Plaintiff's obvious
23 reasoning of attempting to convince the Rule 19 parties that the Defendants have initiated
24 this litigation and that the caption of Mohave County Superior Court Case No. CV-2018-
25 04003 is "Ludwig, et al., Name of Plaintiffs on Abandonment, Nancy Knight, Name of
26 Defendant on Abandonment." Plaintiff directs the Rule 19 parties to sign the document
27 swearing and affirming under the penalty of perjury that the contents of the Waiver prepared
28 falsely by Defendant Nancy Knight is "...true and correct to the best of the Rule 19 parties'


1 knowledge and belief..." Plaintiff is asking these parties to swear or affirm the accuracy of
2 the Waiver knowing full well that the document itself is false and misleading as is or would
3 be Plaintiff's proposed and falsified Summons that Plaintiff presents to the Clerk of the Court
4 and apparently thinks would or could be issued.

5 The pleadings which are the subject matter of this Motion and the immediate previous
6 Motion of the Defendants are indeed redundant, immaterial, impertinent or scandalous matter
7 as discussed in Rule 12(f), ARCP. Further, they are directly applicable to the provisions of
8 and the exact type of pleading that subject a party to the provisions of A.R.S. §12-349(A)
9 through the filings hereinabove referenced as to having unreasonably expanded and delayed
10 the proceedings in this matter.

11 It is respectfully requested that Plaintiff's September 9, 2023, pleadings in their
12 entirety be stricken and this Court award the Defendants their reasonable fees and costs
13 incurred in the preparation of this Motion.

14 RESPECTFULLY SUBMITTED this 13~~th~~ day of September, 2023.

15 LAW OFFICES OF DANIEL J. OEHLER

16 
17 Daniel J. Oehler,
Attorney for Defendants

18 **COPY** of the foregoing emailed
19 this 13th day of September, 2023, to:

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

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

By: 
Patricia L. Emond, Legal Assistant

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

Motion to Strike
September 13, 2023

EXHIBIT 1

LAW OFFICES OF DANIEL J. OEHLER

Daniel J. Oehler, Attorney at Law
2001 Highway 95, Suite 15
Bullhead City, Arizona 86442
(928) 758-3988
(928) 763-3227 fax
djolaw10@gmail.com

August 30, 2023

Via Email: nancyknight@frontier.com

Nancy Knight
1803 E. Lipan Circle
Fort Mohave, Arizona 86426

Re: Knight v. Ludwig, et al.,
Mohave County Superior Court
Case No. CV-2018-04003

Dear Mrs. Knight:

I would respectfully request that you withdraw each of the following court submittals bearing the following dates and dealing with your proposed amendment of the Jantzen Order to the Plaintiff dated August 12, 2023 (bearing file stamp August 15, 2023), as well as each of your proposed Notices for issuance by Judge Nielson to the Rule 19 parties Notice #1 emailed Aug 12, filed August 15th, and thereafter Notice #2 emailed Sunday August 20, 2023 (titled Amended Notice to Property Owners_23Aug2023.pdf), and the last Notice emailed Friday August 25, 2023 (titled Notice_25Aug2023_20230825_0001.pdf).

As to your August 15, 2023, Order to Plaintiff:

I believe that each of these documents would mislead the Rule 19 parties. Multiple of your proposed statements incorrectly or falsely state or interpret the law, include fact statements that are incorrect, describe the existing parties to this litigation incorrectly, allege that the Defendants are really the Plaintiffs, state or suggest the Defendants are bringing this action against the Rule 19 parties when in fact it is your litigation and your conduct that has resulted in the requested inclusion of the homeowners in the affected subdivision tracts. You and any reasonable person knows that no judge is going to state, tell or advise any party that your proposed order language on p. 2, lines 9-16 of your proposed Order to Plaintiff is acceptable or appropriate. Nor can the Court arbitrarily require a waiver of process and eliminate other methods of service such as acceptance, voluntary and personal service. Nor can a judge "prejudge" a Rule 19 party as being liable to you for anything without a hearing and determination that no cause exists or that good cause exists warranting a recovery by you of additional service fees.

Next, the Complaint is the Complaint and the Answer is the Answer. You cannot delete any part of the Plaintiff's Complaint or Defendants' Answer because you feel a necessity to eliminate a page or perhaps three pages from your mailing packet.

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On page 3, line 10 is false, misleading and legally incorrect. You, Mrs. Knight, are the precipitator of this litigation.

Terminology in ¶3, p. 5, is improper and your Unincorporated Association is irrelevant to the current litigation and outside the parameters of the Court's authority to opine on the conduct of explicit authority sought therein - noting, of course, that the paragraph attempts to deal with a nonexistent subdivision of which you speak apparently in your desire to further confuse and misdirect the Rule 19 parties. There is no Tract 4076 period.

Finally, tying a monetary expenditure to a proof of your performance is inappropriate and improper.

In summation, the purpose of this Order is a directive to you, the Plaintiff in this litigation, on how you may serve the Rule 19 parties pursuant to the Rules of Civil Procedure. The purpose of the Order is to provide you with service direction. It is not to address or to advocate your position to the Rule 19 parties.

We next touch on the three most recent proposals you have filed dealing with the information the Court is to provide to the Rule 19 parties, namely, the Court's "Notice" document to the Rule 19 parties. You, the Plaintiff, have filed suit against the existing Defendants alleging violations of the Covenants recorded in 1989 and 1990. The Defendants are defending not prosecuting. You, the Plaintiff, allege multiple enforceable violations including setback violations that must be cured by your self-described "cut away" theory. You also know that if the Covenants are enforceable against the existing Defendants, they are enforceable against and to the detriment of all. Yet, you falsely and intentionally in your Notice document suggest that the Court tell the new parties that the Defendants are bringing the Rule 19 parties before the Court when in effect it is you, the Plaintiff, who summons them before the Court and if successful, it is your actions that will destroy whatever portion of their respective homes as may be necessary to make the hundred-plus homes compliant with setbacks and, I suppose, force homeowners with size deficiency homes to either tear down their homes or add to them to achieve Covenant size compliance. The same "cut away" or destroy options flow out of your, the Plaintiff's, litigation. Should there be violations by the existing Defendants that are enforced, there will be enforcement against all violators including your residence which seems fine by your own words apparently because you believe you can collect money from third parties to "fix" your violations and you are obviously unconcerned about your neighbors.

You add language at will to the Rules of Civil Procedure whenever you apparently feel it would be helpful throughout your writing such as at p. 2, second to the last paragraph of Notice #1.

Preliminary subdivision plats are of no legal consequence just as there is no Subdivision Tract 4076. You persist in advancing your unending false and fraudulent pleadings and statements on this issue.

Your rendition of the law as to your interpretation of the facts is not correct nor properly within the Notice which is the Court's not your overview of the case status. Nor is the subject Notice an appropriate venue to reference various decisions of the Court of Appeals (whether they are reported cases or "not for publication" decisions such as your "Cundiff" decision) or Supreme Court of this state or other states, nor is the "Notice" a place to advertise your personal and often erroneous fact assumptions. The vast majority

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of pp. 6, 7 and 8 are grossly in error, irrelevant for the purpose of the document in question. The attachment to the August 15, 2023, filing "Waiver of Service" is yet another example of your specific intent to misstate, mislead and misdirect mis-characterizing the facts to the Rule 19 parties.

Your Summons exhibit is another example of your consistent effort to mislead your neighbors through your actually stating that you are the Defendant and my clients are the Plaintiffs. Your intentional fraudulent and false written statements themselves are worthy of severe legal sanctions that should be imposed against you by the Court for intentionally reversing the Plaintiff's and the Defendants' status in this litigation. You cannot change the caption of a case as you have done in an effort to trick the Rule 19 parties into thinking the Defendants have initiated the lawsuit that has resulted in their being brought before the Court.

NOTICE #2

Moving forward to your second recent Amended Notice transmitted at 7:59 a.m. Sunday, August 20, 2023, and which we cannot locate in the Court filing system at the time of this writing.

1. You continue to falsely allege that there is a pending trial by jury for the Defendants Ludwig, et al.

2. You falsely suggest that there are only 24 Tract 4163 properties when you know there are 32 lots in that Tract. You know you have one assessor parcel number for two separately located lots. I believe that 31 lots have setback violations, the one lot that doesn't is vacant.

3. You falsely state or otherwise allege that a preliminary plat map has some overriding legal effect over a final plat map and that a tract known as Tract 4076 exists when in fact you know that it does not.

4. You falsely allege there is a pending appeal regarding the dismissal of original Defendants James B. Roberts and Donna M. Roberts when you know there is no such pending appeal.

5. You allege falsely that Tract 4163 was planned and approved in 1989 and you know that is untrue. You know that a non-party to this litigation, Ludwig Engineering, Inc., of San Bernardino, California, a California corporation, was hired to do the engineering on what became Tract 4163 in 2002. You know that the Defendant's name, the Ludwig Defendants in your Complaint are different than the California corporate entity that was hired by the owner/developer (also a non-party to this litigation) as an engineer for the developer.

6. You falsely allege that my clients have initiated this lawsuit against the Rule 19 parties and you know that you, Nancy Knight, have initiated this litigation and my clients allege that the litigation should be dismissed. You know that your actions have clouded the title to all lots within th three separate subdivisions within the three tracts.

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7. Assessor Parcel Numbers (APNs) are NOT the criteria to determine who must be served nor who the owner/owners are. The Recorder's records and the lots within the three tracts represent the Rule 19 parties. APN numbers are irrelevant and should not be used.

8. You again falsely and knowingly allege that the original Defendants in this litigation have filed the lawsuit against the Rule 19 parties.

9. You admit within your pleading/proposed notice to continue your solicitation from the Rule 19 parties to mail ballots that you previously sent out to them that resulted in the Court ordering you to desist in that activity. Your second "notice" proposal effectively states that you want the Court, Judge Nielson, to tell the Rule 19 parties that "The Ballots for Amendments may still be mailed to the UA." The UA, of course, is you, Nancy Knight, the Plaintiff, the initiator of this litigation.

10. You falsely claim Defendants have not denied your claims. You have read the Defendants' Answer and you know the Defendants have denied your claims.

11. You proffer the appropriateness of Plaintiff's position and allege the erroneous position of Defendants in your proposed documents over the entire extent of pp. 3-7 and suggest that the Court should opine with favor the Plaintiff's position as if it were the Court's position in your proposed Notice from the Court to the Rule 19 parties.

12. You literally threaten the Rule 19 parties that failing to waive service, you will file a small claims lawsuit against them.

13. You appear to propose to utilize an issued Summons by the Clerk as part of the Service Packet directly with a request for "waivers of service" despite the fact that you know an issued Summons is not part of a "waiver" process and is to be used with an "acceptance of service" process or with a personal in-hand service process.

14. You incorrectly suggest Rule 19 parties should provide irrelevant APNs rather than legal descriptions in lot, block and tract numbers in their return documents.

15. You suggest that only one member of a trust is required, yet you are oblivious of the authority within any trust as to the actual trust requirements which may mandate other signatures. Again, Recorder records, not Assessor records, are mandated.

16. You erroneously state that Rule 19 parties will as a matter of fact be charged the costs of alternate service knowing full well that only via order of a judge will any Rule 19 party have a service of process judgment or any other type of judgment entered against them.

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NOTICE #3 served or dated on or about August 25, 2023

It appears that you have or are attempting to file yet a third "Notice" proposal with the Court, a copy of which appears to be dated August 25, 2023, although the undersigned can find no indication that such a filing has been accomplished as of the date of this letter.

Many of the same false and improper proposals that are within your recent August 15th, and August 20th or 21st Notices are the same as your most recent August 25, 2023 document and yet additional false and otherwise factually inaccurate statements are therein contained. This letter to you only touches directly on a few of the most blatantly wrong, false, inaccurate statements that you propose that are not part of the first or second documents addressed above.

1. You falsely allege that the Rule 19 parties "are not being sued."

2. You continue to reference APNs as the legal descriptions. The Recorder records reflect ownership and the lot, block (if applicable) and tract are the controlling means of identification. Take a look at your own deed and see if your lot/lots in Tract 4163 are described by an APN number as opposed to a true legal description, your deed reads: "LOTS 8 AND 9, OF DESERT GOLF COURSE AND ESTATES UNIT E, TRACT 4163." Your deed (your evidence of ownership) does not describe your property as Mohave County Assessor Parcel No. 229-23-009A.

3. The Defendants have not used APNs to describe lot ownership by any individual lot owner.

4. You allege that the Defendants have a right to file a lawsuit against the Rule 19 owners and you falsely suggest that they have done so when you know it is your lawsuit and your claims therein that have brought the Rule 19 parties before the Court.

5. You falsely state that Defendants have submitted allegations against all property owners when in fact the Defendants allegations are that you, Nancy Knight, have violated the CC&Rs as have the vast majority of all property owners and as a result, the violations you, Nancy Knight, have alleged against the current Defendants are unenforceable against the current Defendants and all other Rule 19 parties/lot owners. It is you, Mrs. Knight, that is threatening the Rule 19 parties with the potential of "tearing down" or your favorite description "cutting away" of portions of the majority of homes in the three subject subdivisions.

6. You allege falsely that what you have labeled as a "gag order" be entered against the existing Defendants and the undersigned when you know that your motion for such an order was ruled on by the Court, denied by the Court, and is subject to an award of attorney fees against you.

In summation, Mrs. Knight, unless you file a notice of withdrawal of the above four documents by 12:00 noon Friday, September 1, 2023, I will proceed with a formal Rule 12(f) motion to strike and seek an award of all attorney fees and costs incurred on this issue.

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This letter is intended as a good faith effort to rectify and correct your conduct short of yet another preparation of formal objections and a fee request to the Court.

Very truly yours,

LAW OFFICES OF DANIEL J. OEHLER

A handwritten signature in cursive script, appearing to read "Daniel J. Oehler".

Daniel J. Oehler, Esq.
DJO/pe



Daniel Oehler <djolaw10@gmail.com>

Knight v. Ludwig, et al. CV-2018-04003

Daniel Oehler <djolaw10@gmail.com>
To: nancyknight <nancyknight@frontier.com>


Wed, Aug 30, 2023 at 4:33 PM

Please see the attached.

Thanks.



Virus-free.www.avg.com

 **Knight 0830 letter.pdf**
412K