

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

HONORABLE DALE P. NIELSON
VISITING JUDGE

DATE: NOVEMBER 20, 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 pending since the Courts last ruling. The Court will rule on each motion in turn.

September 13, 2023 Defendants Motion to Strike:

On September 13, 2023 the Court signed a number of orders relating to service of indispensable parties. The Court in signing the orders presented by the defense assumed that this would resolve any issues relating to service. The Court did review the Plaintiff's submissions and made its ruling. This Court finds that the Plaintiffs Motion regarding service did not contain accurate references to the rules regarding service and appeared to be an attempt to express opinions in the serving documents that would be inappropriate. Because the Motions were not based in fact or law the Motion to Strike the Motion for Approval of the Final Order on the Service Packet is granted.

September 21, 2023 Plaintiff's Motion For Correction of a Final Order for Due Dates For Service packet mailings and excel Spread Sheets.

The Plaintiffs Motion is denied. The Plaintiff is asking the court to revisit the Orders of September 13, 2023. The Court finds no legal basis to revisit the orders regarding service.

September 22, 2023 Defendants Motion to Strike Plaintiffs Response to Motion to Strike.

The Court agrees with the defense that the response to the motion to strike filed by the Plaintiff is a “a continuation and reiteration of the erroneous statements, faulty assessment of the facts and issues, misstatements, false statements and pleading violations that which was the subject matter of the September 13, 2023, Motion to Strike. Plaintiffs Response is redundant of multiple prior responses she has filed and/or motions that have been filed containing immaterial, impertinent and scandalous statements directed at the Defendants and others who are or at one time have been required to respond or enter rulings against the Plaintiff which in turn automatically are labeled evidence of bias, collusion and conspiracy. As such the Motion to Strike is granted.

September 27, 2023 Motion to Amend

The Motion to Amend is denied. See, MacCollum v. Perkinson, 185 Ariz. 179, 185, 913 P.2d 1097, 1103 (App. 1996). The MacCollum Court of Appeals case states that an amendment should not be granted in a situation where the Court finds that the requested amendment results in undue delay in the request, bad faith, undue prejudice or futility in the amendment. See, MacCollum, supra, at 185, 1103. The probability of futility combined with the confusion and significant enlargement, delays, confusion.

"Although mere delay may not justify denial of leave to amend, notice and substantial prejudice to the opposing party are critical factors in determining whether an amendment should be granted. Owen v. Superior Court, 133 Ariz. 75, 79, 649 P.2d 278, 282 (1982) (quoting Hagerman v. Signal L.P. Gas, Inc., 486 F.2d 479, 484 (6th Cir. 1973)). '[P]rejudice is 'the inconvenience and delay suffered when the amendment raises new issues or new parties into the litigation.' Spitz v. Bache & Co., Inc., 122 Ariz. 530, 531, 596 P.2d 365, 366 (1979) (quoting Romo v. Reyes, 26 Ariz.App. 374, 376, 548 P.2d 1186 (1976)." Twin City Fire Ins. Co., supra, at p. 595.

October 5, 2023 Motion for Correction of Errors

The Motion is denied. This is Plaintiff's twenty sixth request for reconsideration and as counsel for the defense asserts it appears to be an effort by the Plaintiff to delay service as ordered by the court on September 13, 2023.

Motion for Double Damages Application for Attorney's fees. Motion for Relief from Award of Attorney's Fees Dated October 17, 2023.

The Motions are denied and ordered stricken. The subject documentation and filings are redundant, immaterial and impertinent. There is no decision from this Court that allows for the filing under the provisions of ARCP Rule 54(a). There has been not a decision by this Court in favor of the Plaintiff which purport to form the underlying basis for the filing of a proposed form of judgment, all in violation of Rule 54(a).

The Court sets a status conference on December 21, 2023 at 3:30 p.m. The parties may attend in person for the hearing at the Mohave County Superior Court, 415 E. Spring Street, Kingman, Arizona 86401 in Courtroom 301, or with the following Zoom information:

For Zoom Video Conference, please use Meeting ID #258 656 631 and password 2141912.
For Zoom Telephone Conferencing please call [1-669-900-6833](tel:1-669-900-6833), followed by the Meeting ID and password listed above).

November 20, 2023

Dated



The Honorable Dale Nielson Visiting Judge

cc:

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