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CHRISTINA SPURLOCK
CLERK SUPERIOR COURT
BY: HA DEPUTY

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6 Plaintiff Pro Per

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 NANCY KNIGHT,
10
11 Plaintiff,

12 vs.

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

22 Defendants.

Case No.: CV 2018 04003

**PLAINTIFF'S REPLY TO
DEFENDANT'S DECEMBER 8, 2023
RESPONSE TO DENY PLAINTIFF A
COURT DECLARATION THAT SHE
DID NOT AVOID A SECOND ORDER
ISSUED BY HON. JUDGE JANTZEN**

**Hon. Judge Nielson
Visiting Judge**

23 COMES NOW, Plaintiff Pro Per, NANCY KNIGHT, hereby submitting her Reply
24 to Defendant's Response to Deny her request to end a controversy. Defendants claim that
25 it is a moot point. It is only a moot point in this case; however, it affects CV 2022 00177
26 being tried in Yavapai County where seven Breach of Contract defendants continue to
27 claim, in the pending 2024 Appeal that has been noticed to the court, that Plaintiff
28 avoided a 2023 court order in this case.



B8015CV201804003

1 Hon. Judge Napper needs evidence to dispel the misconception and documents
2 from this case as provided by defense counsel Elias.

3
4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 Two defendants in this case are parties to CV 2022 00177 being litigated in
6 Yavapai County and therefore they know how critical it is that this court acknowledge
7 Plaintiff did not avoid Judge Jantzen's 2023 Order for her to join the Rule 19 parties.
8 Allowing Judge Jantzen's order to stand in the Yavapai County case is wrong and the
9 controversy needs Court evidence that affected the dismissal of seven defendants in that
10 case who do not deny having continuing violations of the Covenants, Conditions and
11 Restrictions.
12
13

14 This court's Replacement Order is not a part of the record in Yavapai Superior
15 Court and Plaintiff seeks to end the controversy between the two cases with court issued
16 evidence. The court's Replacement Order does not explain why he has had to intervene
17 with a new Order.
18

19 But for Mohave County and Yavapai County courts denying Plaintiff
20 consolidation, much of the controversies surrounding Rule 19 and the Breach of Contract
21 defendants in the Yavapai County case would not exist.
22

23 Declaratory Relief from the controversy, pursuant to Statute §12-1831, is highly
24 appropriate and may be precedent setting due to the complicated mess this case has
25 become which in turn complicated the Yavapai County case, and complicated the
26 Plaintiff's first Appeal filed in 2022 that was dismissed because the Appeal Court ruled
27
28

1 that the Rule 54 (b) Final Judgment was in error since two defendants had not been
2 dismissed.

3
4 This Court has the power to declare rights. Plaintiff seeks the right of honesty by
5 this court for declaratory relief of a misconception and declare that she did not avoid a
6 2023 court order issued by Judge Jantzen.

7
8 The purpose of Statute §12-1842 is to settle and afford relief from uncertainty and
9 insecurity with respect to rights and legal relations and is to be liberally construed and
10 administered.

11
12 Breach of Contract Defendant's dismissal in the Yavapai County case is based on
13 a false premise that Plaintiff avoided two court orders for the Plaintiff to join Rule 19
14 parties. Hence, Plaintiff seeks a Declaratory Judgment on the separately dated Orders.

15
16 The Appeal Court already determined that Judge Jantzen's Order for the Plaintiff
17 to join the Rule 19 parties, that was issued as a Rule 54 (b) Final Judgment, was
18 "improper". But for the improper Order, Plaintiff's attorney Coughlin's Appeal would
19 have ended the controversy over who is to join parties.

20
21 Plaintiff understands this court does not believe he can change an order issued by
22 Hon. Judge Jantzen and the travesty of that court's abuse of discretion for Rule 19
23 continues in this case with the added injustice that Plaintiff is being forced to sue the Rule
24 19 parties when she has no grounds to do so.

25
26 Plaintiff reutters, the law of cases. The precedent setting case of *Sheets* is cited in
27 over thirty subsequent cases. In *Sheets v. Dillon* 221 N.C. at 432, 20 S.E.2d at 348, it is
28 specifically stated, "If plaintiff desires to have this covenant invalidated and stricken

1 from the deed of the original grantee, he must bring in the interested parties and give
2 them a day in court”.

3
4 In this case, Plaintiff Knight does not seek abrogation or invalidation of any of the
5 deed restrictions in her Declaration of Covenants, Conditions and Restrictions but rather
6 is defending those valuable CC&Rs. She has had to sue parties for Breach of Contract to
7 protect her own home in three cases that began with CV 2016 04026, continued in this
8 2018 case, and is now being prosecuted in CV 2022 00177.

9
10 This court and the prior court have made an error that affects public policy and
11 threatens every protected real property in Arizona by not following the law of cases.

12
13 Plaintiff pleads for justice and relief from the false claim that Plaintiff
14 avoided Judge Jantzen’s Second Order.

15
16 Plaintiff pleads for denial of Defendant’s attorney fees.

17
18 **RESPECTFULLY SUBMITTED** this 11th day of December, 2023.

19 
20 NANCY KNIGHT
21 Plaintiff Pro Per

22 **COPY** of the foregoing was e-mailed on December 11, 2023 to:

23 djolaw10@gmail.com Daniel Oehler, Attorney for the Defendants
24 kalerma@courts.az.gov Judicial Assistant to Judge Nielson

25 tshura@lundberg-elias.com Defense Counsel named in this Reply
26
27
28