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8 Daniel J. Oehler, Arizona State Bar No.: 002739  
9 Attorney for Defendants

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 NANCY KNIGHT,

13 Plaintiff,

14 vs.

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

22 Defendants.

NO.: CV-2018-04003

**DEFENDANTS' RESPONSE  
TO PLAINTIFF'S MOTION  
TO COMPEL INITIAL  
DISCLOSURE AND  
DEFENDANTS' REQUEST FOR  
EXTENSION OF TIME TO  
SUBMIT DISCLOSURE**

23 COME NOW, Defendants, by and through their attorney, the undersigned, and respond to  
24 Plaintiff's request for disclosure filed with this Court on August 6, 2018, and simultaneously request  
25 that this Court, pursuant to the provisions of Rule 26, A.R.C.P., extend the time for disclosure to a  
26 period 20 days subsequent to this Court's ruling on the following motions that are currently pending  
27 before this Court, noting that the Plaintiff, on May 2, 2018, filed Plaintiff's Motion for Leave to  
28 Amend Plaintiff's Complaint, and thereafter, on June 6, 2018, this Court denied Plaintiff's Motion:

1. 06/20/2018 Plaintiff's Motion to Alter or Amend Orders 3 and 4;
2. 06/29/2018 Court's ruling (treat 6/20/18 filing as motion to amend);
3. 07/09/2018 Defendants' Objection to second Motion to Amend;
4. 07/09/2018 Plaintiff's "New Evidence" and Reply to Objection to Motion to Amend Orders 3 and 4;



1 Amend the Complaint filed May 2, 2018, before this Court was ruled upon by the Court on June 11,  
2 2018. The Court's ruling clearly and succinctly denied Plaintiff's Motion to Amend, only to be  
3 followed by Plaintiff's second "Motion to Alter or Amend Orders 3 and 4" which was filed with the  
4 Court on June 20, 2018, nine (9) days after the first denial by this Court. Thereafter, on June 29,  
5 2018, the Court issued a ruling that the Court would treat Plaintiff's second Motion to Alter or  
6 Amend as a second Motion to Amend. That action by the Court resulted on July 9, 2018, of  
7 Defendants filing an Objection to Plaintiff's second Motion to Amend and on the same day, Plaintiff  
8 filed a document captioned "Plaintiff's 'New Evidence' and [First] Reply to Defendant's  
9 Objections..." The following day, on July 10, 2018, Plaintiff filed her next pleading titled "Reply  
10 to Defendant's Objections to an Amended Complaint." In effect, this is the second reply filed by the  
11 Plaintiff on this issue.

12 One may correctly argue that the Plaintiff has now filed three (3) motions to amend noting,  
13 however, Plaintiff has never produced in any one of Plaintiff's three motions the required proposed  
14 Amended Complaint.

15 On July 30, 2018, Defendants filed a Motion to Dismiss Count 2 of Plaintiff's then existing  
16 Complaint. On or about July 31, 2018, Plaintiff filed her Response in Opposition to Motion to  
17 Dismiss Count 2, and on August 6, 2018, Defendants filed their Reply.

18 The Court's ruling on the pending motions will substantially change the complexion of this  
19 entire file. For instance, if Defendants' Motion to Dismiss Count 2 is granted, there will then be no  
20 remaining Plaintiff's claims before the Court. If, in the alternative, should the Court allow Plaintiff's  
21 Amended Complaint, that too will substantially change the character of the pleadings before this  
22 Court. Amongst other things, no one, not the Defendants nor the Court, has been provided a copy  
23 of what Plaintiff's Amended Complaint would even look like, allege, against whom or on what issue  
24 we would be proceeding.

25 It is blatantly obvious, then, that the filing, even of an initial disclosure, is not going to be  
26 productive under any circumstance until the point in time that the Defendants' have before them an  
27 Amended Complaint for which a new answer, response or dispositive motion will be necessary.  
28 Only then will the Defendants be in a position to simultaneously determine what relevant disclosure

1 might be required or, in the alternative, no disclosure of any type will be required, necessitated,  
2 appropriate nor due should Defendants' existing Motion to Dismiss be granted.


3 It is respectfully submitted, therefore, that each party be ordered, dependent upon the  
4 forthcoming rulings of this Court on all pending motions that Rule 26 disclosure be suspended for  
5 a period of 20 days from the date of delivery of the Court's ruling and the receipt of an actual Court-  
6 authorized Amended Complaint, or that no disclosure is necessary if Count 2 of Plaintiff's  
7 Complaint is dismissed.

8 Plaintiff's Motion to Compel is not reasonable and should not be well taken by the Court  
9 under the current status of this file. Judicial economy suggests that Defendants' conditional  
10 extension of time be granted assuming that subsequent to the Court's ruling on the pending motions,  
11 that Plaintiff's Complaint survives.

12 Defendants' effort to avoid Defendants filing of this Motion and Plaintiff's refusal to concur  
13 in such an extension warrants an award of Defendants' attorney's fees and costs incurred in  
14 necessitating this filing.

15 RESPECTFULLY SUBMITTED this 15 day of August, 2018.

16 LAW OFFICES OF DANIEL J. OEHLER

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18 Daniel J. Oehler,  
19 Attorney for Defendants

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1 **COPY** of the foregoing emailed  
2 this 15<sup>th</sup> day of August, 2018, to:

3 Honorable Derek Carlisle  
4 Mohave County Superior Court  
5 Division 2  
6 2001 College Drive  
7 Lake Havasu City, Arizona 86403  
8 (928) 453-0739 Mary  
9 [making@courts.az.gov](mailto:making@courts.az.gov)

10 Plaintiff Pro Per  
11 Nancy Knight  
12 1803 E. Lipan Circle  
13 Fort Mohave, Arizona 86426  
14 (928) 768-1537  
15 [nancyknight@frontier.com](mailto:nancyknight@frontier.com)

16 By:   
17 Patricia L. Emond, Legal Assistant

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

**EXHIBIT A**

**LAW OFFICES OF DANIEL J. OEHLER**

Daniel J. Oehler, Attorney at Law  
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Bullhead City, Arizona 86442  
(928) 758-3988  
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[djolaw@frontiernet.net](mailto:djolaw@frontiernet.net)

July 27, 2018

Via Email: [nancyknight@frontier.com](mailto:nancyknight@frontier.com)

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

Re: Azarmi, et al. adv. Knight

Dear Mrs. Knight:

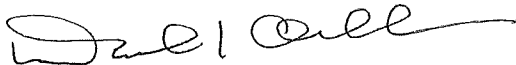
Thanks for your note regarding the Rule 26.1 disclosure.

It seems to me that, at this point and on the basis that there is a pending motion to amend the complaint, and that responses and replies have also been filed on that issue, and the fact that this issue has not yet been ruled upon by the Court, that it only makes sense to delay the Rule 26.1 disclosure until we know what the actual "to be litigated" complaint looks like. We obviously don't know that until the Court rules on this motion. As such, and as you are aware, Rule 26.1 allows the parties by agreement to extend the initial disclosure and I would, therefore, propose that it be extended until, let's say, 20 days from the date of our receipt of the Court's ruling on your pending motion to amend. As you further know, an amended complaint may significantly modify the disclosure.

Share your thoughts on the issue via return email and whether this proposed extension is acceptable.

Very truly yours,

LAW OFFICES OF DANIEL J. OEHLER



Daniel J. Oehler, Esq.  
DJO/pe

cc: Fairway Constructors, Inc.