

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-092294

06/09/2023

HONORABLE RODRICK COFFEY

CLERK OF THE COURT
K. Tiero
Deputy

LINDA HAYDEN

THOMAS L BROWN JR.

v.

JOYCE HAYNIE, et al.

JOYCE HAYNIE
2145 S FARNSWORTH DR
MESA AZ 85209

LORI N BROWN
JUDGE COFFEY

MINUTE ENTRY

The Court has considered Defendant's Motion for Summary Judgment; Plaintiff's Response to that Motion; Defendant, State of Arizona's Response to that Motion; Mesa's Reply in support of its Motion; and the parties' respective statements of facts.

Motions for summary judgment "should be granted if the facts produced in support of the claim or defense have so little probative value, given the quantum of evidence required, that reasonable people could not agree with the conclusion advanced by the proponent of the claim or defense." *Orme School v. Reeves*, 166 Ariz. 301, 309 (1990). When considering a motion for summary judgment, all evidence of the non-moving party is to be believed, and all justifiable inferences are to be drawn in the non-movant's favor. *Id.* at 309-10. Summary judgment should not be used as a substitute for a trial simply because the Court may believe the moving party will probably prevail or that the moving party should prevail at trial. *Id.*

The party moving for summary judgment must produce evidence that it believes demonstrates the absence of a genuine issue of material fact and must explain why summary

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judgment is warranted. *Nat'l Bank of Ariz. v. Thruston*, 218 Ariz. 112, 115 (App. 2008). If the non-moving party has the burden of proof of the claim or defense at trial, the moving party need not disprove the nonmoving party's claim or defense, but need only point out the lack of evidence on an essential element of the claim or defense. *Id.* at 117. If the moving party meets its burden, the burden shifts to the nonmoving party to present sufficient evidence demonstrating the existence of a disputed fact. *Id.* at 119. The nonmoving party cannot then rest on its pleadings, but must call to the Court's attention evidence to explain why the motion should be denied. *Id.* The opponents of a motion for summary judgment do not raise a genuine issue of fact by merely stating in the record that such an issue exists. Rather, they must show that competent evidence is available which will justify a trial on the issue. *Flowers v. K-Mart Corp.*, 126 Ariz. 495, 499 (App. 1980). "If the party with the burden of proof on the claim or defense cannot respond to the motion by showing that there is evidence creating a genuine issue of fact on the element in question, then the motion for summary judgment should be granted." *Orme School* at 310.

The parties' filings demonstrate that there are genuine disputed issues of material fact regarding the facts, circumstances and reasons for Plaintiff's termination. Accordingly,

IT IS ORDERED denying Defendant's Motion for Summary Judgment.