

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-092038

09/20/2005

COMMISSIONER M. SCOTT MCCOY

CLERK OF THE COURT
P. Odell
Deputy

FILED: 10/05/2005

MARYLAND HEIGHTS GARDEN HOMES
ASSOCIATION

CHARLES E MAXWELL

v.

BRENNDA FITTING, et al.

BRENNDA FITTING
6611 N 46TH DR
GLENDALE AZ 85301

JUDGE ACETO

MINUTE ENTRY

Counsel has advised the Court of a conflict with the oral argument concerning Plaintiff's Motion to Strike Defendant's answer scheduled for today at 2:00 p.m. Because the Court does not believe oral argument would be helpful, **IT IS ORDERED** denying Plaintiff's request to continue the oral argument.

IT IS FURTHER ORDERED denying the Motion to Strike. Rule 11(a) allows a pleading not signed by a party to be stricken if not signed promptly after the omission is pointed out. See Arizona Rules of Civil Procedure 11(a). Here, Plaintiff filed an application for entry of default on June 23, 2005. Defendant, Brennda Fitting's husband, signed and filed an "Answer to Application for Default" on July 1, 2005. In that document, she responded to the allegations and "Counts" of the complaint.

Plaintiff filed the pending Motion to Strike on July 18, 2005, and Defendant Brennda Fitting filed a response thereto on August 2, 2005. She signed that brief and indicated the July 1, 2005 pleading was filed on her behalf. This is sufficient to satisfy Rule 11(a).

IT IS FURTHER ORDERED referring this case back to The Honorable Mark Aceto for all further proceedings in this matter.