

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-052313

10/07/2022

HONORABLE ALISON BACHUS

CLERK OF THE COURT
C. Lett
Deputy

LA VIDA HOMEOWNERS ASSOCIATION INC EMILY H MANN

v.

NANCY L RUTHVEN, et al.

MARK HAMMOND
23018 N 87TH PL
SCOTTSDALE AZ 85255
JUDGE BACHUS

MINUTE ENTRY

The Court is in receipt of Defendant's "Request to Dismiss Case and Petition Plaintiff to Drop Case," filed August 23, 2022. Plaintiff filed a response in opposition. After carefully reviewing the filings, as well as applicable Rules, the Court will deny Defendant's request. First, Defendant did not base his request in any cognizable rule. Some of his argument appears to be based in Rule 12 (and therefore may be a motion to dismiss), but then other portions appear to attack the sufficiency of the evidence against him, which is not proper in a motion to dismiss. To the extent that the motion is a motion to dismiss brought under Rule 12, Defendant's motion is insufficient. There was no authority cited and the Court was not directed to any provision of any contract to consider. Based on the filings before it, the Court must deny the motion (insofar as one was actually made).

The Court recognizes Defendant is representing himself, but the law requires the Court to hold all persons representing themselves to the same standard as a licensed attorney. *Bloch v. Bentfield*, 1 Ariz. App. 412, 417 (1965) ("When one undertakes to represent himself that person is 'entitled to no more consideration than if' he 'had been represented by counsel.' He is 'held to the same notice of statutes of local rules as would be attributed to a duly qualified member of the bar. Such a rule is indispensable to the orderly and efficient administration of justice.'") (quoting *Smith v. Rabb*, 95 Ariz. 49, 53 (1963)); *Maher v. Uhlman*, 211 Ariz. 543, 551 (App.

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2005) (“That [a party] was unrepresented did not excuse him from his burden to diligently adhere to the court’s rules.”) (citing *Homecraft Corp. v. Fimbres*, 119 Ariz. 299, 301 (App. 1978)).

Defendant is encouraged to review the Arizona Rules of Civil Procedure, as well as the Maricopa County Superior Court’s website. The website contains forms for litigants’ use. Defendant shall file an Answer to the Complaint within 20 days of entry of this Order, or Plaintiff may proceed by default.

IT IS THEREFORE ORDERED denying Defendant’s “Request to Dismiss Case and Petition Plaintiff to Drop Case,” filed August 23, 2022.

IT IS FURTHER ORDERED that Defendant shall file an Answer to the Complaint no later than 20 days from the date this Order is entered.

ATTENTION SELF-REPRESENTED LITIGANTS: Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney.

- **The law requires the Court to hold all persons representing themselves to the same standard as a licensed attorney.** *Bloch v. Bentfield*, 1 Ariz. App. 412, 417 (1965) (“When one undertakes to represent himself that person is ‘entitled to no more consideration than if’ he ‘had been represented by counsel.’ He is ‘held to the same notice of statutes of local rules as would be attributed to a duly qualified member of the bar. Such a rule is indispensable to the orderly and efficient administration of justice.’”) (quoting *Smith v. Rabb*, 95 Ariz. 49, 53 (1963)); *Maher v. Uhlman*, 211 Ariz. 543, 551 (App. 2005) (“That [a party] was unrepresented did not excuse him from his burden to diligently adhere to the court’s rules.”) (citing *Homecraft Corp. v. Fimbres*, 119 Ariz. 299, 301 (App. 1978)).
- Self-represented litigants are encouraged to review the Arizona Rules of Civil Procedure, paying particular attention to Rule 26.
- Please note that **only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.** *Ramada Inns v. Lane & Bird Advertising*, 102 Ariz. 127, 426 P.2d 395 (1967).
- You may not file motions or request for relief on behalf of another self-represented party. *Bloch*, 1 Ariz.App at 417 (self-represented parties may not represent other self-represented parties) (citing *Mosher v. Hiner*, 62 Ariz. 110, 113-14 (1944)).

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Before the judge can consider anything you send her, you must show her that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the Clerk's job to keep an independent record of everything that happens at the Court. The Court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This is so all parties have a fair chance to tell the judge what they think before she makes a decision.

Because of that, if you want the judge to consider something you send her, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this Division (that is, to the judge, using her specific address)

HONORABLE ALISON BACHUS
MARICOPA COUNTY SUPERIOR COURT
NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET, SUITE F
PHOENIX, AZ 85032
(602) 506-7569

and mail or deliver a copy to all opposing parties. In addition, on each document you must include a signed certificate that says whether you mailed or hand-delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand-delivered each copy. If a party is represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed orders submitted to this Division must include copies of the order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the Clerk or other parties to the judge.

If you want to file papers with the Clerk of the Court by mail, send them to:

Clerk of the Superior Court's Office
Civil File Counter
201 W. Jefferson
Phoenix, AZ 85003

The Clerk's guidelines for filing by mail can be found at:
<https://www.clerkofcourt.maricopa.gov/records/filings>

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If you are not represented by a lawyer you must contact this Division immediately and provide a current address, telephone number, and email address. If your address, phone number, or email address changes in the future, you must file a notice of change of address/phone number/email address. That form can be downloaded at no charge from the following website:
<http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/>