

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-092333

12/22/2006

HONORABLE HELENE ABRAMS

CLERK OF THE COURT
T. Soto
Deputy

VICKI WIRTZ

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655 N 57TH PL
MESA AZ 85205

v.

DREAMLAND VILLA COMMUNITY CLUB
INC

DREAMLAND VILLA COMMUNITY
CLUB INC
320 N 55TH PL
MESA AZ 85205

MINUTE ENTRY

The Court has received and reviewed Defendant Dreamland Villa Community Club, Inc's Motion to Dismiss, Motion for More Definite Statement and/or Motion to Strike, Plaintiff's Motion to Stay Dismissal Proceedings, and Defendant's Reply Regarding Defendant's Motion to Dismiss, Motion for More Definite Statement and/or Motion to Strike, Response to Plaintiff's Motion to Stay Dismissal Proceedings and Defendant's Motion to Strike Plaintiff's November 11, 2006 Correspondence.

The Court also received Plaintiff's Amended Complaint for Judicial Order to Compel Production of Club Documents, Motion for Summary Judgment, Response to Letter and Motion for Sanctions, Response to Letter and Motion for Sanctions, Response to Motions Complaining of Form and Non-Specific Claims and Response to Motions to Dismiss and Defendant's Response/Reply to Plaintiff's Amended Complaint for Judicial Order to Compel Production of Club Documents, Motion for Summary Judgment, Response to Letter and Motion for Sanctions,

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Response to Letter and Motion for Sanctions, Response to Motions Complaining of Form and Non-Specific Claims and Response to Motions to Dismiss. Two cassettes were also sent to the Court. Because it is unclear whether Defendant's also received them, the Court will not listen to them.

Defendant request for dismissal for failure to state a claim is denied. Dismissal for failure to state a claim is not favored. Defendant's request for more definite statement is granted pursuant to Rule 12(e), A.R.C.P., Plaintiff shall have until January 31, 2007 to provide more definite statement of the relief requested. The Court may strike the pleading to which the motion was directed if this order is not complied with. Defendant's request to strike the 261 pages of the documents submitted with the Complaint is denied as the Court did not receive the attachments with the Court's copy of the Application. (A list of the documents was provided) Defendant's request for attorney's fees is also denied. Plaintiff's Motion to Stay is denied as moot because the motion for definite statement has been granted. Defendant's Motion to Strike the November 11, 2006 correspondence is granted as it is not properly before the Court in this manner.

Plaintiff's incorporation of numerous pleadings into one document without separating the five parts is not in a form that the Court can review. If Plaintiff seeks to amend her original Complaint, this needs to be a separate pleading. A Summary Judgment Motion must comply with Rule 56, A.R.C.P. The Responses to the Motion for More Definite Statement or to the Motion to Strike must be specific.

Parties who are not represented by counsel in litigation are required to understand and follow the rules and applicable law. If a party is in need of legal assistance, consultation with an attorney may be arranged by contacting the Maricopa County Lawyer Referral Service at (602) 257-4434.

In the present form, the Court will not consider Plaintiff's Amended Complaint, et.al. The Court will allow and consider a more definite statement regarding relief requested, an Amended Complaint, if appropriate, and any Motions or Responses in conformance with the Rules of Civil Procedure. Defendant will be allowed to Respond to any Motion or Response filed by Plaintiff on or after January 31, 2007.