

**IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA**

**HONORABLE LEE F. JANTZEN
DIVISION: IV COURTROOM: D
DIGITALLY RECORDED**

**VIRLYNN TINNELL, CLERK OF SUPERIOR COURT
BY: AMANDA NYE, DEPUTY CLERK
HEARING DATE: 05/04/2020**

NANCY KNIGHT,

Plaintiff,

vs.

**FAIRWAY CONSTRUCTION INC,
DONNA M. ROBERTS,
GLEN LUDWIG,
JAMES B. ROBERTS,
MEHDI AZARMI,
PEARLE A. LUDGWIG,**

Defendant(s).

CASE NO: CV-2018-04003

STATUS HEARING

START: 8:59 A.M.

APPEARANCES: Daniel J. Oehler, Attorney for the Defendant’s; Nancy Knight (appearing telephonically), Plaintiff, in Pro Per.

This is the time set for a Status Hearing in this matter.

The Court notes that a Hearing on Oral Arguments is scheduled on Monday, May 11, 2020 at 1:30 p.m.

The Court reviews the file / motions.

As to the Motions for Corrections:

Plaintiff filed Motions for Corrections for both the October 16, 2019 Hearing and the October 30, 2019 Hearing; the Court advises the Plaintiff it has reviewed these Motions for Corrections and finds that the Plaintiff has made an appropriate record on corrections; the Court further advises Plaintiff that the Motions filed will reflect the technical errors that were made in those hearings / pleadings. A discussion ensues; the Court reiterates that the Motion’s filed will reflect the technical errors.

As to the Motion to Compel Defendant’s Amend Their Reply to Plaintiff’s Response to Defendant’s Motion for Summary Judgment:

The Court reviews the Motion, notes it was filed on February 24, 2020, and that Counsel did not file a response; the Court advises the Plaintiff this Motion is inappropriate and that she will be allowed to argue it at the Oral Argument Hearing scheduled for May 11, 2020 at 1:30 p.m.

As to the Motion for Clarification of Procedure:

The Court notes this Motion was filed on February 28, 2020 and Counsel has filed a response; the Court ascertains Plaintiff why she filed this Motion; Plaintiff gives a statement to this Court as to why she filed this Motion.

The Court advises the Plaintiff to be clear there are no automatic dismissals and that she will have an opportunity to argue this at the Oral Argument Hearing scheduled.

As to the Motion for Reconsideration of Dismissal of Count 1 and the Adjudication of Count 2:

The Court notes this Motion was filed on February 28, 2020 and that no response was filed which is appropriate because it is titled a Motion for Reconsideration.

The Court advises that Motions for Reconsideration are controlled by Rule 7.1 of The Arizona Rules of Civil Procedure; the Court advises the Plaintiff she has the right to file a Special Action or wait until the conclusion of this case, so she can then file a Notice of Appeal; the Court further advises this Motion to Reconsider is inappropriate.

IT IS ORDERED denying the Motion to Reconsideration of dismissal of Count 1.

The Court further advises that this combined Motion to Reconsider dismissal of Count 1 and adjudicate Count 2 is inappropriate.

IT IS ORDERED denying the Motion to Adjudicate Count 2 by the authority of the Arizona Constitution.

The Court further advises why the Motions were inappropriate; a discussion ensues as to filing a special action; the Court advises the Plaintiff she is entitled to review the Rules on Special Actions; discussions continue.

This Court makes clear the it is the right / option of Plaintiff to file a Special Action, not that the Court is advising her to do so; Plaintiff advises she understands.

As to Motion to Set Aside Dismissal of Count 1:

The Court notes this Motion was filed on March 12, 2020, reviews and advises this Motion is also inappropriate and the Plaintiff has a right to file an appeal; a discussion ensues.

IT IS ORDERED denying the Motion to Set Aside the Dismissal of Count 1.

Discussions ensue as to documents sent to Counsel, dismissal of Count 1, final rulings, appeals, the time reserved / time allotted for the Oral Argument Hearing scheduled on May 11, 2020 at 1:30 p.m., any pending motions, and any technical issues as to the Courtroom.

The Court recesses at 9:25 a.m.

LATER,

IT IS ORDERED denying the Motion to Compel Defendant's Amend Their Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment.

cc:

NANCY KNIGHT *
(nancyknight@frontier.com)
Plaintiff, in Pro Per

DANIEL J. OEHLER *
Attorney for the Defendant

HONORABLE LEE F. JANTZEN *
Division IV