

2025 DEC -8 PM 4:32

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Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

**AZNH REVOCABLE TRUST,  
by and through  
JOHN and SUSAN SULLIVAN,  
TRUSTEES, REAL PARTIES IN  
INTEREST**

Plaintiff

v.

**KAY ABRAMSOHN,  
ADMINISTRATIVE LAW JUDGE,  
ARIZONA OFFICE OF  
ADMINISTRATIVE HEARINGS,**

*and*

**TAMMY EIGENHEER, INTERIM  
DIRECTOR,  
ARIZONA OFFICE OF  
ADMINISTRATIVE HEARINGS,**

*and*

**ARIZONA DEPARTMENT OF REAL  
ESTATE,**

*and*

**SUNLAND SPRINGS VILLAGE  
HOMEOWNERS ASSOCIATION,**

Defendants

CV2025-036466  
and  
LC2025-000397

**MOTION  
TO TRANSFER CASES  
TO A SINGLE JUDGE**

Assigned to  
Hon. Judge Scott Blaney

1 NOW COMES THE PLAINTIFF and, pursuant to Local Rule 3.1, moves this Honorable  
2 Court to transfer pending cases to a single judge. This Special Action is the earliest-filed case  
3 (filed Oct. 8, 2025) and, pursuant to Local Rule 3.1, it is filed in this Division for consideration.

4 The only other case is an appeal of an administrative decision arising from a homeowners  
5 association dispute – LC2025-000397 (filed Nov. 7, 2025).

6  
7 **History & Status of the Special Action – CV2025-036466 (Commenced October 8, 2025)**

8 At mid-night between Sept. 25<sup>th</sup> and Sept. 26, 2025, a legislatively revised version of A.R.S.  
9 § 41-1092.07(A) became effective and granted parties “one peremptory change of administrative  
10 law judge” without any additional conditions or limitations. At about 12:13 a.m. on Sept. 26,  
11 2025, Plaintiff submitted a “Peremptory Change of Administrative Law Judge” to the Interim  
12 Director of the Office of Administrative Hearings identifying Kay Abramsohn as the ALJ to be  
13 changed.

14 Later in the morning of Sept. 26<sup>th</sup>, Plaintiff arrived at the Office of Administrative Hearings  
15 (“OAH”) prepared to proceed with a hearing before a replacement ALJ. As shown in the  
16 Special Action Complaint, ALJ Abramsohn stated that she and her supervisor had discussed the  
17 matter and they decided that the "motion" was untimely and she would remain as the assigned  
18 ALJ, but as a "compromise" she would grant a continuance to December.

19 Plaintiff’s counsel declined to proceed with ALJ Abramsohn and departed the OAH before  
20 any such hearing took-place.

21 ALJ Abramsohn proceeded with a hearing and, on October 9, 2025, issued an “Order  
22 Vacating Hearing” but, *without authority to do so*, wrote that, “Petitioner’s case is dismissed  
23 based on the failure to proceed with the matter.” See A.A.C. R2-19-117 (Failure of Party to  
24 Appear for Hearing):

25 If a party fails to appear at a hearing, the administrative law judge may proceed  
26 with the presentation of the evidence of the appearing party, or vacate the hearing  
27 and return the matter to the agency for any further action.

1 Ariz. Admin. Code R2-19-117.

2 As of this writing, the Arizona Department of Real Estate has not notified Plaintiff of  
3 any further action.

4 This Original Special Action was filed, per RPSA 2 & 6, in the Superior Court's  
5 Lower Court Appeals Division (Judge Mikitish) on October 8, 2025. On October 10,  
6 2025, Judge Mikitish issued an Order assigning the Special Action to this Division (Judge  
7 Blaney) for determination.

8 The current Special Action is set for a Show Cause hearing on January 14, 2026, and all  
9 defendants have received notice of the hearing, and all defendants have signed waivers of formal  
10 service.

11 As of this writing, none of the defendants have filed Answers or motions in this Special  
12 Action and the Court has not considered any substantive matters.

13  
14 **History & Status of LC2025-000397 (Commenced Nov. 7, 2025)**

15 The current lower court appeal case represents a second appeal from the same underlying  
16 matter. The first appeal (LC2025-000025), commenced January 14, 2025, arose from a decision  
17 by Administrative Law Judge Kay Abramsohn. On April 17, 2025, without a hearing and based  
18 solely upon the party's filings, Judge Mikitish remanded the matter back to the Department of  
19 Real Estate for a further evidentiary hearing by an Administrative Law Judge ("ALJ").

20 Prior to the administrative hearing, ALJ Abramsohn took actions which prompted the  
21 Plaintiff to file a Motion to Enforce Judgment and for Order to Show Cause. Judge Mikitish  
22 denied the Motion Sept. 17, 2025. An administrative hearing remained pending for Sept. 26,  
23 2025.

24 On Sept. 26<sup>th</sup> and October 9, 2025, events occurred which led the Plaintiff to file the current  
25 lower court appeal in the Lower Court Appeals Division (Judge Mikitish). On November 12,  
26 2025, Judge Mikitish issued "Administrative Review Orders" relating to procedural matters and

1 filing of briefs. As of this writing, no substantive matters have been considered by Judge  
2 Mikitish in the current appeal and no hearing dates are pending.

3  
4 **Factors for Judicial Assignment by Transfer Under Local Rule 3.1**

5 In determining to which judge the case or cases will be assigned pursuant to transfer, the  
6 following factors may be considered: (A) whether substantive matters have been considered in a  
7 case; (B) which judge has the most familiarity with the issues involved in the cases; (C) whether  
8 a case is reasonably viewed as the lead or principal case; or (D) any other factor serving the  
9 interest of judicial economy. Local Rule 3.1(c)(3).

10 Plaintiff suggests to the Court that items (A), (B) & (C) above are most applicable. Judge  
11 Mikitish has previously read filings by the parties and has issued a substantive Order; Judge  
12 Mikitish has more familiarity with the underlying matter; and, the underlying matter, which is  
13 back before Judge Mikitish for the second time, may be reasonably viewed as the principal case.

14  
15 **Requested Relief**

16 Plaintiff respectfully request that the Court transfer both cases to one judge and grant such  
17 other and further relief as justice requires.

18  
19 Dated this 8<sup>th</sup> day of October, 2025.

*/s/ John F. Sullivan*

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CERTIFICATE of SERVICE

A copy hereof shall be sent electronically this date, to:

Asst. Atty. General Lynette Evans (counsel for Az. Dept. of Real Estate) at her email address [Lynette.Evans@azag.gov](mailto:Lynette.Evans@azag.gov);

Atty. Chad Gallacher (counsel for Sunland Springs Village Homeowners Assoc.) at his email address: [cgallacher@hoalaw.biz](mailto:cgallacher@hoalaw.biz);

Judge Mikitish's Judicial Assistant at [joel.grajeda@jbazmc.maricopa.gov](mailto:joel.grajeda@jbazmc.maricopa.gov);

Kay Abramsohn, Administrative Law Judge, Arizona Office of Administrative Hearings via their Web portal; and,

Tammy Eigenheer, Interim Director, Arizona Office of Administrative Hearings via their Web portal.

A courtesy copy shall be sent electronically this date, to:

Asst. Attorney General Deanie Reh at [Deanie.Reh@azag.gov](mailto:Deanie.Reh@azag.gov); and,

Asst. Attorney General Raya Gardner at [Raya.Gardner@azag.gov](mailto:Raya.Gardner@azag.gov).