

1 KRISTIN K. MAYES
2 Attorney General
3 Firm State Bar No. 14000

4 Kara Karlson, No. 029407
5 Senior Litigation Counsel
6 2005 North Central Avenue
7 Phoenix, AZ 85004-1592
8 Telephone (602) 542-8323
9 Facsimile (602) 542-4385

10 Kara.Karlson@azag.gov
11 adminlaw@azag.gov

12 *Attorneys for Defendants Judge Kay Abramsohn
13 and Interim Director Tammy Eigenheer*

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

16 AZNH REVOCABLE TRUST, by and
17 through JOHN and SUSAN SULLIVAN,
18 trustees, real parties in interest,

19 Plaintiffs,

20 v.

21 KAY ABRAMSOHN, in her official capacity
22 as Administrative Law Judge, Arizona Office
23 of Administrative Hearings,

24 TAMMY EIGENHEER, in her official
25 capacity as Interim Director for the Arizona
26 Office of Administrative Hearings,

27 ARIZONA DEPARTMENT OF REAL
28 ESTATE,

SUNLAND SPRINGS VILLAGE HOME
OWNERS ASSOCIATION

Defendants.

No. CV2025-036466

**LIMITED RESPONSE OF
JUDICIAL DEFENDANTS**

1 The Defendants Administrative Law Judge Kay Abramsohn and the Interim
2 Director for the Arizona Office of Administrative Hearings (“Judicial Defendants”) file
3 this Limited Response of Judicial Defendants to inform the Court and all parties that the
4 Judicial Defendants are prohibited from substantively responding to this action unless
5 ordered by the Court.

6 The Court of Appeals held it is improper for a judge named as a respondent in a
7 special action that challenges the correctness of the judge’s decision in a case to defend
8 that decision when it is challenged in a special action. *Hurles v. Superior Court*, 174 Ariz.
9 331, 333 (App. 1993) (“We hold that it is proper for a judge named as a respondent in a
10 special action to file a responsive pleading if the purpose of the response is to explain or
11 defend an administrative practice, policy, or local rule, but that it is improper for a judge
12 to respond merely to advocate the correctness of an individual ruling in a single case.”).
13 This principle applies equally to administrative law judges and other representatives of the
14 court that are acting in a judicial or quasi-judicial capacity. *Evertsen v. Industrial Comm’n*,
15 117 Ariz. 378, 383 (App. 1977) (explaining why administrative law judges must also be
16 prevented from filing responsive pleadings in a challenge to that decision to ensure
17 neutrality of the person(s) assigned to the judicial role). Because the gravamen of the
18 complaint against the Judicial Defendants is the correctness of the Judicial Defendants’
19 decision, it would be improper for them to respond.

20 Additionally, the Arizona Rules of Procedure for Special Actions were overhauled
21 and became effective on January 1, 2025. One of the changes was to remove the judge in
22 a special action as a party. “The judge whose decision is being challenged is not a
23 respondent.” Ariz. R. P. for Special Actions 5(b)(2). Accordingly, the Judicial Defendants
24 are not proper respondents to this case.

25 For these reasons, the Judicial Defendants cannot substantively respond unless
26 ordered by the Court, in accordance with *Hurles*, 174 Ariz. at 333 and Rule 5(b)(2) of the
27 R. P. for Special Actions.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted this 10th day of December, 2025.

Kristin K. Mayes
Attorney General

/s/ Kara Karlson
Kara Karlson
Senior Litigation Counsel
*Attorneys for Defendants Judge Kay
Abramsohn and Interim Director Tammy
Eigenheer*

