

Atty. JOHN SULLIVAN  
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Bar No. 023018  
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

No. CV2025-036466

**PLAINTIFF'S MOTION FOR  
JUDGMENT  
ON THE CASE FILINGS**

(Original Special Action)

Assigned to:  
Hon. Scott Blaney

1       **NOW COMES THE PLAINTIFF** (“Trust”) who asks the Court to enter Judgment for the  
2 Trust and to enforce the Trust’s right to peremptory change of an Administrative Law Judge  
3 (“ALJ”) under A.R.S. § 41-1092.07(A) which reads:

4             A party to a contested case or appealable agency action is entitled to one  
5             peremptory change of administrative law judge.

6 A.R.S. § 41-1092.07(A).

7       The Trust also asks for all relief requested in the Complaint.

8       As used herein, “RPSA” stands for Rules of Procedure for Special Actions (17B A.R.S.  
9 Special Actions, Rules of Procedure).

### 11       **I. Courts Authority to Enter Judgment**

12       Superior courts may decide special actions based on case filings and written evidence. *See,*  
13 *e.g., Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 347-48 nn. 4,6, ¶¶ 8, 12 (App. 2001)  
14 (deciding legal issues in special action based on the factual record created by the case filings).  
15 *See also*, 2 Camila Alarcon et al., *Arizona Appellate Handbook 2.0* at 24.15 (2<sup>nd</sup> ¶) (2020)  
16 (stating same).

### 18       **II. Introduction**

19       A judgement on the case filings is warranted because the only two required defendants in this  
20 Original Special Action (Ms. Abramsohn & Ms. Eigenheer) have stated, in a filing to this Court,  
21 they are not defending the action. Their refusal to defend is discussed further in **sec. V**, *infra*.

22       The chief consequence of refusing to defend arises from R.Civ.P. 8 which is integrated into  
23 the RPSA by RPSA 7(a)(2). Pursuant to R.Civ.P 8 (General Rules of Pleading):

24             An allegation--other than one relating to the amount of damages--is admitted if a  
25             responsive pleading is required and the allegation is not denied.

26 R.Civ.P. 8(c)(6).

27       An Answer or response (compliant with R.Civ.P. 8 & 12) is required by RPSA 7(a)(2).

1        **III.    The Most Significant Admissions**

2  
3        The significant allegations of the Complaint which are deemed admitted (17 in all) are shown  
4 in **Exhibit A** accompanying this Motion. The most significant admissions are shown below.

5  
6 Ms. Abramsohn and Ms. Eigenheer have admitted:

7  
8        **Complaint ¶ 1.**

9 Kay Abramsohn, is an Administrative Law Judge (“ALJ”) working in the Arizona Office of  
10 Administrative Hearings.

11  
12        **Complaint ¶ 2.**

13 Tammy Eigenheer, is the Interim Director of the Arizona Office of Administrative Hearings.

14  
15        **Complaint ¶ 10.**

16 Just after midnight on the morning of September 26, 2025 (about 9 hours before the scheduled  
17 hearing), a legislatively revised version of A.R.S. § 41-1092.07 became effective. The revision  
18 reads, in full:

19                “A party to a contested case or appealable agency action is entitled to one  
20                peremptory change of administrative law judge.”

21  
22        **Complaint ¶ 11.**

23 At about 12:13 a.m. on Sept. 26, 2025, Susan Sullivan, Trustee of AZNH Revocable Trust  
24 exercised her statutory right to replace ALJ Abramsohn by submitting a peremptory change of  
25 administrative law judge to the Director of the Office of Administrative Hearings via the office’s  
26 “Electronic Submission System.”

27                [The peremptory submission is Exhibit C to the Complaint – it accompanies this  
28                Motion as **Exhibit B.**]

29 //

1 **Complaint ¶ 19.**

2 ALJ Kay Abramsohn has:

- 3
- 4 A. Failed to cease her participation in the underlying matter, a duty required by  
5 law for which she had no discretion;
- 6
- 7 B. Proceeded without, or in excess of, jurisdiction or legal authority by  
8 conducting a hearing in the underlying matter; and,
- 9
- 10 C. Made a decision that was arbitrary and capricious, which can include a legal  
11 error, by (purportedly) dismissing the underlying matter.  
12

13 **Complaint ¶ 20.**

14 Tammy Eigenheer (Interim Director of the Arizona Office of Administrative Hearings) has:

- 15
- 16 D. Failed to replace ALJ Abramsohn in the underlying matter which is a duty  
17 required by A.R.S. § 41-1092.07(A) for which she has no discretion;
- 18
- 19 E. Proceeded without, or in excess of, jurisdiction or legal authority by allowing  
20 ALJ Kay Abramsohn’s continued involvement in the underlying matter; and,
- 21
- 22 F. Made a decision that was arbitrary and capricious, which can include a legal  
23 error by (purportedly) treating Ms. Sullivan’s exercise of her statutorily-  
24 granted preemptory right as a ‘motion’ and preventing Ms. Sullivan’s  
25 preemptory right from going into effect.  
26

27 See A.R.S. § 41-1092.01(H) (requiring Director to assign ALJ’s).  
28

29 **Complaint ¶ 21.**

30 Per A.A.C. R2-19-106, a “motion” is a request for a ruling from an ALJ. The Trust did not  
31 submit a request for a ruling to the ALJ, nor to anybody else.  
32

33 **Complaint ¶ 22.**

34 When a party to a contested case exercises the preemptory right to change an  
35 administrative law judge under A.R.S. § 41-1092.07(A), it becomes a legislative fiat; it  
36 is not a ‘motion.’ Such fiat is not subject to the discretion or ruling of the then-assigned  
37 ALJ.

1 **Complaint ¶ 23.**

2 Laches does not apply here. Ms. Sullivan exercised her peremptory right of removal  
3 within minutes of receiving the right to do so and prior to the scheduled hearing.  
4

5 **Complaint ¶ 24.**

6 Moreover, the willingness of the ALJ and her supervisor to continue the matter (as a  
7 “compromise”) from September to December fully contradicts a claim of untimeliness.  
8

9 **IV. Additional Admission**

10 Defendant Abramsohn admits she conducted an administrative hearing (in the absence of the  
11 Trust) after she and Defendant Eigenheer received the Trust’s peremptory change of  
12 administrative law judge. See **Exhibit C** accompanying this Motion – ALJ Abramsohn’s  
13 “Order Vacating Hearing” dated Oct. 9, 2025. The caption of the Order is a misnomer; the  
14 document specifically states a hearing was conducted by ALJ Abramsohn.  
15

16 **V. Kay Abramsohn & Tammy Eigenheer – Not Defending Action**

17 Defendants Kay Abramsohn (Administrative Law Judge) and Tammy Eigenheer (Interim  
18 Director of the Office of Administrative Hearings – [“OAH”]) have stated, through their lawyer  
19 (Asst. Atty. General Kara Karlson), that they are not going to defend the case. See case filing,  
20 “Limited Response of Judicial Defendants” filed December 10, 2025, by AAG Karlson. **By  
21 telephone call on Dec. 16, 2025, AAG Karlson confirmed to the Trust’s counsel that the  
22 Defendants are not going to submit any additional filings or take any further action to  
23 defend the case.**

24 Pursuant to RPSA 7(d)(1) and R.Civ.P. 4.1(c)(3) the Defendants’ Answer or responses  
25 [required under RPSA 7(a)(2) and R.Civ.P. 12] were due on or before **December 9, 2025.**  
26 Neither of them has timely filed or delivered the required Answer or response. The AG’s  
27 “Limited Response of Judicial Defendants” filed Dec. 10, 2025, is not a response identified or  
28 allowed under RPSA 7(a)(2) or R.Civ.P. 12.

1 This Court must presume that AAG Karlson’s decision - not to defend the action - is a  
2 litigation strategy. *See, e.g., State v. Webb*, 164 Ariz. 348, 351 (1990) (courts presume that  
3 counsel’s conduct is trial strategy). There is a “strong presumption” that “counsel’s actions  
4 were made for strategic or tactical reasons.” *Id.*

5 Counsel’s strategic or tactical decisions are often influenced by the client. *State v. Santanna*,  
6 153 Ariz. 147, 150 (1987). “If counsel is commanded by his client to present a certain defense,  
7 and if he does thoroughly explain the potential problems with the suggested approach, then his  
8 ultimate decision to follow the client’s will may not be lightly disturbed.” *Id.* See Arizona  
9 Supreme Court Rule 42, *Rules of Professional Conduct* (“RPC”) E.R. 1.2(a) (counsel shall abide  
10 by a client’s decisions concerning the objectives of representation and shall consult with the  
11 client as to the means by which they are to be pursued). See RPC E.R. 1.2(b) (a government  
12 lawyer has a duty to abide by decisions that are made by the appropriate client representative  
13 regarding the goals of representation in a particular matter).

14 Based on the above authorities, the Trust and this Court must presume that the decision - *not*  
15 *to defend the action* – was made by counsel after consultation with her clients (who are both  
16 members of the State Bar of Arizona). This Court should not disturb that decision. *Santanna*,  
17 *supra*. Therefore, the Trust does not address the reasons for the chosen strategy (or tactic)  
18 because the reasons for not defending are not relevant.<sup>1</sup>

## 20 **VI. The Arizona Department of Real Estate – Not Defending Action**

21 Defendant Arizona Department of Real Estate (“ADRE”) has asserted that they should be  
22 dismissed as a defendant or, alternatively, be designated a nominal party who takes no position  
23 on any matter. See “Motion to Dismiss Arizona Department of Real Estate, or in the  
24 Alternative, for Nominal Party Status” filed Dec. 9, 2025. The ADRE asserts, and the Trust  
25 agrees, a nominal party “does not act as an advocate or otherwise take any position on the merits

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<sup>1</sup> The Trust’s counsel notes, however, that the legal reasoning and conclusions expressed by defense counsel are flawed.

1 of the litigation” and does not have “any pecuniary or proprietary stake in the outcome of the  
2 action.” ADRE Motion, pp. 3-4 (starting on p.3, line 22).

3 Regardless of the Court’s ruling on that pending Motion, the ADRE is either a nominal party  
4 or is dismissed from the action. Either way, the ADRE shall not answer or otherwise defend this  
5 Original Special Action. See RPSA 7(a)(2) requiring a defendant to file an Answer or a  
6 response under R.Civ.P. 12. Consistent with their Motion, the ADRE has not filed an Answer or  
7 response.

### 8 9 **VII. Sunland Springs Village HOA – Has Been Dismissed as Defendant**

10 Any person aggrieved by the action or inaction of a body, officer, or person for the reasons  
11 set forth in RPSA 4 may commence an Original Special Action by Complaint in the Superior  
12 Court. RPSA 5(a)(1), 6 & 7(a)(1). Such Complaint must name the body, officer, or person  
13 whose actions are being challenged and “all other parties in whose absence the court cannot  
14 afford complete relief.” RPSA 5(a)(2).

15 On December 17, 2025, the Trust submitted to the Court a Notice of Dismissal as to Sunland  
16 Springs Village HOA (“HOA”) or Alternatively, Motion to Dismiss Same.

17 That Notice explains why the HOA is not a defendant and does not qualify as a Defendant  
18 under RPSA 5 – they are not needed for the Court to afford complete relief. Perhaps most  
19 importantly, **the HOA has no claims or interests which fall within the narrow scope of  
20 subject matter jurisdiction (RPSA 4) and relief available (RPSA 10) for an Original  
21 Special Action.** This Court’s Judgment (whatever it might be) in this Original Special Action,  
22 shall not change any of the rights, claims, arguments or defenses the HOA has in its dispute with  
23 the Trust.

24 Moreover, the HOA has not timely filed an Answer or response required by RPSA 7(a)(2)  
25 which integrates the requirements of R.Civ.P. 12. Pursuant to RPSA 7(d)(1) and **R.Civ.P.**  
26 **4.1(c)(3)** the HOA’s Answer or responses [required under RPSA 7(a)(2) and R.Civ.P. 12] were

1 due on or before **December 9, 2025**. The HOA has not filed or delivered the required Answer  
2 or response.

3 [On October 10, 2025, the Trust sent a request asking the HOA waive formal service. The  
4 HOA lawyer (Mr. Gallacher), without the Trust's permission, altered the date on the waiver  
5 provided by the Trust and signed it. Per **R.Civ.P. 4.1(c)(3)** the HOA was required to serve their  
6 Answer or response no later than 60 days after the waiver request was sent to them. Therefore,  
7 an Answer or response was required by Dec. 9, 2025. See **Exhibit D** (request to waive and  
8 waiver) accompanying this Motion.]

9 Unless or until the Court Orders otherwise, the Trust shall proceed on the basis that the  
10 Trust's Notice of Dismissal became effective immediately. See *Vicari v. Lake Havasu City*  
11 (App. Div.1 2009) 222 Ariz. 218, 222 (2009) *citing Goodman v. Gordon*, 103 Ariz. 538, 540  
12 (1968); as cited in the Trust's Notice of Dismissal.

### 13 14 **VIII. Judgment for the Trust is Warranted**

15 Ms. Abramsohn & Ms. Eigenheer have not disputed or contested any allegation in the  
16 Complaint. They have presented no defense what-so-ever, and have affirmatively stated  
17 they shall not defend the action.

18 The allegations of the Complaint support the defendants' admissions that:

19 ALJ Kay Abramsohn has:

- 20
- 21 A. Failed to cease her participation in the underlying matter, a duty required by  
22 law for which she had no discretion;
  - 23
  - 24 B. Proceeded without, or in excess of, jurisdiction or legal authority by  
25 conducting a hearing in the underlying matter; and,
  - 26
  - 27 C. Made a decision that was arbitrary and capricious, which can include a legal  
28 error, by (purportedly) dismissing the underlying matter; and,
  - 29

30 Tammy Eigenheer (Interim Director of the Arizona Office of Administrative  
31 Hearings) has:

- 1
- 2 D. Failed to replace ALJ Abramsohn in the underlying matter which is a duty
- 3 required by A.R.S. § 41-1092.07(A) for which she has no discretion;
- 4
- 5 E. Proceeded without, or in excess of, jurisdiction or legal authority by allowing
- 6 ALJ Kay Abramsohn’s continued involvement in the underlying matter; and,
- 7
- 8 F. Made a decision that was arbitrary and capricious, which can include a legal
- 9 error by treating Ms. Sullivan’s exercise of her statutorily-granted peremptory
- 10 right as a ‘motion’ and preventing Ms. Sullivan’s preemptory right from
- 11 going into effect.
- 12

13 The Trust respectfully requests Judgment in its favor on all matters, including all relief  
14 available under RPSA 10 for Original Special Actions and such other and further relief as  
15 justice requires.

16 //  
17  
18 //

Dated this 21<sup>st</sup> day of December, 2025. /s/ John F. Sullivan  
John F. Sullivan, Esq. (Bar # 023018)  
Attorney for Plaintiff  
1909 E. Ray Rd., Suite 9198  
Chandler, AZ. 85225  
480-818-5070  
email: Info@SullivanAppeals.com

**CERTIFICATE of SERVICE**

A copy hereof shall be sent via the Court’s electronic filing and delivery system this date, to:

Asst. Attorney General Deanie Reh (counsel for Az. Dept. of Real Estate) at  
Deanie.Reh@azag.gov;

Asst. Attorney General Raya Gardner (counsel for Az. Dept. of Real Estate) at  
Raya.Gardner@azag.gov; and,

Asst. Attorney General Kara Karlson (counsel for Defendant’s Eigenheer & Abramsohn) at  
Kara.Karlson@azag.gov.

A courtesy copy shall be sent to:

Atty. Chad Gallacher (counsel for Sunland Springs Village Homeowners Assoc.) at  
cgallacher@hoalaw.biz.

/s/ *John F. Sullivan*

Counsel for AZNH Revocable Trust

# PLAINTIFF'S EXHIBIT A

## To Motion for Judgment on the Case Filings

### Significant Admissions of Defendants Abramsohn & Eigenheer

#### Paragraph Numbers Correlate to the Complaint (The Exhibits Referenced in the Below Paragraphs Accompany the Complaint)

1. Defendant, Kay Abramsohn, is an Administrative Law Judge ("ALJ") working in the Arizona Office of Administrative Hearings
2. Defendant, Tammy Eigenheer, is the Interim Director of the Arizona Office of Administrative Hearings
8. The underlying matter is a dispute between the Trust and the HOA wherein the Trust alleges the HOA failed to retain electronic ballots for inspection as required by A.R.S. 33-1812. The matter was submitted for administrative hearing to the ADRE per A.R.S. § 32-2199.01. The Trust appealed a final administrative decision and the Superior Court, Lower Court Appeals Division, remanded the matter to the ADRE for an evidentiary hearing on specific issues. **Exhibit A.** The ADRE also Ordered the ALJ to conduct a “rehearing” on several, separate and additional bases. **Exhibit B.**
9. The evidentiary hearing was initially set for July 24, 2025, before ALJ Abramsohn, but was rescheduled at the request of the HOA for September 26, 2025 at 9:00 a.m., and the ALJ reset the matter solely as a “rehearing.”
10. Just after midnight on the morning of September 26, 2025 (about 9 hours before the scheduled hearing), a legislatively revised version of A.R.S. § 41-1092.07 became

effective. The revision reads, in full:

“A party to a contested case or appealable agency action is entitled to one peremptory change of administrative law judge.”

**11.** At about 12:13 a.m. on Sept. 26, 2025, Susan Sullivan, Trustee of AZNH Revocable Trust exercised her statutory right to replace ALJ Abramsohn by submitting a peremptory change of administrative law judge to the Director of the Office of Administrative Hearings via the office’s “Electronic Submission System.” **Exhibit C** ("Petitioner's Peremptory Change of Administrative Law Judge").

**12.** The Trust attorney arrived at the Office of Administrative Hearings (“OAH”) shortly prior to 9:00 a.m. on Sept. 26, 2025, with intent to proceed, if possible, with a hearing before a different administrative law judge.

**13.** Shortly after 9:00 a.m., ALJ Abramsohn called the parties into a hearing room.

**14.** Upon arrival in the hearing room, ALJ Abramsohn told the parties that she would engage in an “off the record” discussion of a “motion” to remove her from the case. ALJ Abramsohn stated that she had discussed the “motion” with her “supervisor.” ALJ Abramsohn further stated that she and her supervisor had discussed the matter and they decided that the “motion” was untimely and she would remain as the assigned ALJ, but as a “compromise” she would grant a continuance to December.

**15.** The Trust attorney attempted to explain that a peremptory right is not a motion subject to her discretion or decision, and the peremptory removal was an immediate and unquestioned statutory right. But ALJ Abramsohn stated she would proceed with the hearing and told Trust counsel he could leave if he so wished. Trust counsel did leave before any hearing began.

**18.** On Saturday, October 4, 2025, Trust counsel obtained an audio recording of a hearing conducted in this matter by ALJ Abramsohn on Sept. 26th wherein she stated the "motion" to remove her from the case was untimely and the matter was dismissed because Trust counsel did not remain for the hearing. ALJ Abramsohn did not state what legal authority allows a dismissal. See A.A.C. R2-19-117 (Dismissal not an option when a party fails to appear for a hearing). Exhibit E.

**19.** Based upon the above facts, ALJ Kay Abramsohn has:

- A. Failed to cease her participation in the underlying matter, a duty required by law for which she had no discretion;
- B. Proceeded without, or in excess of, jurisdiction or legal authority by conducting a hearing in the underlying matter; and,
- C. Made a decision that was arbitrary and capricious, which can include a legal error, by (purportedly) dismissing the underlying matter.

**20.** Based upon the above facts, Tammy Eigenheer, Interim Director of the Arizona Office of Administrative Hearings has, as of this writing and on information and belief:

- D. Failed to replace ALJ Abramsohn in the underlying matter which is a duty required by A.R.S. § 41-1092.07(A) for which she has no discretion;
- E. Proceeded without, or in excess of, jurisdiction or legal authority by allowing ALJ Kay Abramsohn's continued involvement in the underlying matter; and,
- F. Made a decision that was arbitrary and capricious, which can include a legal error by (purportedly) treating Ms. Sullivan's exercise of her statutorily-granted preemptory right as a 'motion' and preventing Ms. Sullivan's preemptory right from going into effect.

See RPSA 4. See A.R.S. § 41-1092.01(H) (requiring Director to assign ALJ's).

**21.** Per A.A.C. R2-19-106, a “motion” is a request for a ruling from an ALJ. The Trust did not submit a request for a ruling to the ALJ, nor to anybody else.

**22.** When a party to a contested case exercises the peremptory right to change an administrative law judge under A.R.S. § 41-1092.07(A), it becomes a legislative fiat; it is not a ‘motion.’ Such fiat is not subject to the discretion or ruling of the then-assigned ALJ.

**23.** Laches does not apply here. Ms. Sullivan exercised her peremptory right of removal within minutes of receiving the right to do so and prior to the scheduled hearing.

**24.** Moreover, the willingness of the ALJ and her supervisor to continue the matter (as a “compromise”) from September to December fully contradicts a claim of untimeliness.

**PLAINTIFF'S EXHIBIT B**

**to**

**Motion for Judgment on the Case Filings**

Atty. John F. Sullivan  
1909 E. Ray Rd., Suite 9198  
Chandler, Arizona 85225  
(480) 818-5070  
Bar No. 023018  
Attorney for Petitioner

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF ARIZONA**

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

Petitioner

v.

**SUNLAND SPRINGS VILLAGE**  
**HOMEOWNERS ASSOCIATION,**

Respondent

No. 24F-H047-REL-RHG

**PETITIONER'S**  
**Peremptory Change of**  
**Administrative Law Judge**  
**and**  
**Hearing Date Request**

**Currently Assigned to:**  
**Honorable Kay Abramsohn**

1 NOW COMES SUSAN SULLIVAN, PETITIONER and TRUSTEE of AZNH  
2 REVOCABLE TRUST who hereby exercises a Peremptory Change of Administrative Law  
3 Judge pursuant to A.R.S. § 41-1092.07 (*eff.* Sept. 26, 2025), to remove Administrative Law  
4 Judge Kay Abramsohn from the above-captioned matter.

5 For any future proceedings in the above-captioned matter, undersigned counsel  
6 respectfully requests any such proceedings be set on or after December 15, 2025. As reasons  
7 therefore, the Trustees are traveling on a pre-planned, pre-paid, non-refundable trip out of  
8 Arizona and out of the U.S.A. beginning Sept. 27, 2025, and returning to Arizona November  
9 3, 2025. Moreover, upon return, counsel shall seek and serve subpoenas which are likely to  
10 be opposed by Respondent or recipients (or both) simply because they can do so. See Ariz.  
11 Admin. Code R2-19-113. Thus, additional time is needed to effect service and additional  
12 time may be needed to address any objections or opposition to issued subpoenas.

1 By and through counsel for Susan Sullivan, Petitioner/Trustee,

2  
3 Dated: September 26, 2025

*/s/ John F. Sullivan*

John F. Sullivan, Esq. (Bar # 023018)

Attorney for Petitioner

1909 E. Ray Rd. Suite 9198

Chandler, AZ. 85225

480-818-5070

email: Info@SullivanAppeals.com

10  
11 **CERTIFICATE OF SERVICE**

12 A copy hereof was served this date upon Respondent's counsel via email at  
13 cgallacher@hoalaw.biz under a prior agreement between counsel to accept filings and other  
14 correspondence by email.

15 A copy hereof was served this date upon the Director of the Office of Administrative  
16 Hearings ("OAH") via the OAH Electronic Submission System  
17 (<https://portal.azoah.com/submission/>).

18 */s/ John F. Sullivan*

John F. Sullivan, Esq. (Bar # 023018)

Attorney for Petitioner

**PLAINTIFF'S EXHIBIT C**

**to**

**Motion for Judgment on the Case Filings**

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2  
3 In the Matter of

No. 24F-H047-REL-RHG

4 AZNH Revocable Trust,  
5 Petitioner,  
6 v.  
7 Sunland Springs Village Homeowners  
8 Association,  
9 Respondent.

**ORDER VACATING HEARING**

10 By Order dated July 18, 2025, this matter was scheduled for rehearing to  
11 convene on September 26, 2025 at 9:00 a.m.

12 On August 15, 2025, the undersigned issued a substantive Order addressing the  
13 limited issues for rehearing which necessitated consideration of evidence necessary to  
14 the ultimate decision.<sup>1</sup>

15 On September 26, 2025 at 12:13 a.m., Petitioner filed its motion for Peremptory  
16 Change of Administrative Law Judge ("Motion") which included a contemporaneous  
17 request to change the hearing date. As the reason for the change in a hearing date,  
18 Petitioner wrote:

19 For any future proceedings in the above-captioned matter, undersigned  
20 counsel respectfully requests any such proceedings be set on or after  
21 December 15, 2025. As reasons therefore, the Trustees are traveling on a  
22 pre-planned, pre-paid, non-refundable trip out of Arizona and out of the  
23 U.S.A. beginning Sept. 27, 2025, and returning to Arizona November 3,  
24 2025.

25 At the time set for continued hearing on September 26, 2025 at 9:00 a.m., both  
26 parties' representatives arrived at the Tribunal. The parties informally discussed with  
27 the undersigned (a) Petitioner's Motion and (b) Respondent's written objection to the  
28 Motion and request.<sup>2</sup> The discussion took place off the record.

29 <sup>1</sup> See *Marsin v. Udall*, 78 Ariz. 309, 279 P.2d 721 (1955) (modifying the previously adopted-Barry rule,  
30 finding "if a judge is allowed to receive evidence which of necessity is to be used and weighed in deciding  
the ultimate issues, it is too late to disqualify him on the ground of bias and prejudice.")(citing *Allan v.*  
*Allan*, 21 Ariz. 70, 185 P.2d 539 (1919). See also *Arizona Conference Corp of Seventh Day Adventists v.*  
*Barry*, 72 Ariz. 74, 231 P.2d 426 (1951).

<sup>2</sup> Respondent's objection was filed to the Tribunal at 8:53 a.m. on September 26, 2025.

1 While the parties engaged in informal discussion, the Tribunal's Interim Director  
2 reviewed the Motion and determined the Motion to be untimely.<sup>3</sup>

3 After receiving the Interim Director's decision, the undersigned informed the  
4 parties that the matter would proceed to go on the record. However, before the  
5 undersigned had the opportunity to actually begin an audio administrative recording for  
6 the matter, Petitioner's representative left the hearing room and did not return. As a  
7 result, Petitioner presented no evidence or argument on the record as to the issue for  
8 rehearing, or as to its Motion and request.

9 At the time of the hearing, the undersigned denied the Motion and request as  
10 being untimely filed. Respondent presented its written and oral objections to the Motion  
11 and request on the record and moved to dismiss the matter due to Petitioner's failure to  
12 proceed with the matter. Based on the foregoing,

13 IT IS ORDERED Respondent's motion to dismiss is granted,

14 IT IS FURTHER ORDERED Petitioner's case is dismissed based on the failure to  
15 proceed with the matter.

16 ORDERED this day, October 9, 2025.

17 /s/ Kay A. Abramsohn  
18 Administrative Law Judge  
19

20 Copy mailed/e-mailed/faxed to:

21  
22 Susan Nicolson  
23 Commissioner  
24 Arizona Department of Real Estate  
25 SNicolson@azre.gov  
26 vnunez@azre.gov  
27 djones@azre.gov  
28 labril@azre.gov  
29 mneat@azre.gov  
30 Irecchia@azre.gov  
31 gosborn@azre.gov

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<sup>3</sup> See ARIZ. ADMIN. CODE R2-19-106. See *State v. Neil*, 102 Ariz. 110, 113, 425 P.2d 842 (1967), discussing *Arizona Conference Corp of Seventh Day Adventists v. Barry*, 72 Ariz. 74, 231 P.2d 426 (1951) (adopting a rule for timeliness of peremptory affidavit of bias and prejudice).

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Chad Gallacher  
MAXWELL & MORGAN, P.C.  
cgallacher@hoalaw.biz

John F. Sullivan  
AZNH Revocable Trust  
info@sullivanappeals.com

By OAH Staff

**PLAINTIFF'S EXHIBIT D**  
**to**  
**Motion for Judgment on the Case Filings**

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## RE: Notice of Action - Waiver of Service - Sunland Springs Village HOA

1 message

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**Chad M. Gallacher** <cgallacher@hoalaw.biz>  
To: John Sullivan <info@sullivanappeals.com>

Wed, Nov 12, 2025 at 10:55 AM

Mr. Sullivan,

Please find attached the signed Waiver of Service Form. I made a minor modification to the language of the form to reflect the date of signing as the effective date for waiver of service and the countdown to file an Answer as is both appropriate and customary.

*Regards,*

**MM Maxwell & Morgan**<sup>™</sup>  
COMMUNITY ASSOCIATION LAW

### Chad M. Gallacher, CCAL

Partner



📞 480-833-1001 📞 520-812-7841

📠 480-969-8267

✉️ cgallacher@hoalaw.biz 🌐 hoalaw.biz

📍 4854 E. Baseline Rd., Suite 104 Mesa, AZ 85206

📍 6760 N. Oracle Rd., Suite 120A Tucson, AZ 85704



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IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by

law.

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**From:** John Sullivan <[info@sullivanappeals.com](mailto:info@sullivanappeals.com)>  
**Sent:** Monday, November 10, 2025 2:58 PM  
**To:** Chad M. Gallacher <[cgallacher@hoalaw.biz](mailto:cgallacher@hoalaw.biz)>  
**Subject:** Re: Notice of Action - Waiver of Service - Sunland Springs Village HOA

Hello Mr. Gallacher.

Please sign the waiver and acceptance, and email it to me.  
See my email dated 10/10/25.

Thank you.

Respectfully,

John F. Sullivan

Attorney at Law

[1909 East Ray Road, Suite 9198](#)

[Chandler, AZ 85225](#)

480-818-5070

Fax 480-210-8328

On [Mon, Oct 13, 2025](#) at 11:25 AM Chad M. Gallacher <[cgallacher@hoalaw.biz](mailto:cgallacher@hoalaw.biz)> wrote:

Hi John,

Yes, I can accept service on behalf of the Association.

Regards,

**MM** Maxwell & Morgan™  
COMMUNITY ASSOCIATION LAW

**Chad M. Gallacher, CCAL**  
Partner



📞 480-833-1001 📞 520-812-7841

📠 480-969-8267

✉️ cgallacher@hoalaw.biz 🌐 hoalaw.biz

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IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.

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**From:** John Sullivan <[info@sullivanappeals.com](mailto:info@sullivanappeals.com)>  
**Sent:** Friday, October 10, 2025 12:50 AM  
**To:** Chad M. Gallacher <[cgallacher@hoalaw.biz](mailto:cgallacher@hoalaw.biz)>  
**Subject:** Notice of Action - Waiver of Service - Sunland Springs Village HOA

Please see attached documents.

Please let me know if you are able to accept service.

Thank you.

Respectfully,

John F. Sullivan

Attorney at Law

[1909 East Ray Road, Suite 9198](#)

[Chandler, AZ 85225](#)

480-818-5070

Fax 480-210-8328

---

 **Signed Waiver of Service Form.pdf**  
40K

Atty. JOHN SULLIVAN  
1909 E. Ray Rd., Suite 9198  
Chandler, Arizona 85225  
(480) 818-5070  
Bar No. 023018  
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

No. CV2025-036466

**Waiver of Service of  
Summons & Complaint**

//

To Counsel for Plaintiff, AZNH Revocable Trust:

I acknowledge receipt of your request that I waive service of a summons in the action of AZNH Revocable Trust v. Kay Abramsohn, et al, which is case number CV2025-036466 in the Superior Court of the State of Arizona in and for the County of Maricopa. I also have received a copy of the complaint in the action.

I agree to save the cost of service of a summons and complaint in this lawsuit by waiving such service.

I (or the person or entity whom I represent) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the person or entity whom I represent) if an answer or motion under Civil Rule 12 is not served upon you within sixty (60) days after the date shown below.

Dated this 12<sup>th</sup> day of November, 2025.

Signed: 

Printed or Typed Name: chad M. Gallacher, Esq.

Title: Attorney-in-fact for Sunland Springs Villages Homeowners Association  
//  
//