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

12
13 AZNH REVOCABLE TRUST, by and
14 through JOHN and SUSAN SULLIVAN,
trustees, real parties in interest,

15 Plaintiffs,

16 v.

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18 SUSAN NICOLSON, Commissioner,
19 Arizona Department of Real Estate,

20 TAMMY EIGENHEER, in her official
21 capacity as Director for the Arizona Office of
Administrative Hearings,

22 and

23 SUNLAND SPRINGS VILLAGE HOME
24 OWNERS ASSOCIATION

25 Defendants.
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No. CV2026-008484

**LIMITED RESPONSE OF
JUDICIAL DEFENDANTS**

1 The Defendant Director for the Arizona Office of Administrative Hearings
2 (“Judicial Defendant”) files this Limited Response of Judicial Defendant to inform the
3 Court and all parties that the Judicial Defendant is prohibited from substantively
4 responding to this action unless ordered by the Court.

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

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

24 Finally, the Judicial Defendant is not a necessary party pursuant to Rule 5 of the
25 Rules of Procedure for Special Action or Rules 19 and 20 of the Arizona Rules of Civil
26 Procedure. If this Court enjoins the real parties in interest in this case from proceeding to
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1 the April 6 hearing, that will “afford complete relief” to the Plaintiffs without involving
2 the Judicial Defendant.

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

6 Respectfully submitted this 6th day of March, 2026.

7 Kristin K. Mayes
8 Attorney General

9 /s/ Kara Karlson
10 Kara Karlson
11 Senior Litigation Counsel
12 *Attorneys for Defendant Director Tammy*
13 *Eigenheer*
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1 **ORIGINAL** of the foregoing filed
2 this 6th day of March, 2026, with:

3 Maricopa County Superior Court Clerk
4 201 West Jefferson Street
5 Phoenix, Arizona 85003

6 **COPIES** of the foregoing e-mailed
7 this 6th day of March, 2026, to:

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/s/Monica Quinonez