

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-015684

08/17/2020

HONORABLE JAMES D. SMITH

CLERK OF THE COURT  
D. Tapia  
Deputy

EDET EFFIONG ASUQUO

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1701 W TUCKEY LN # 201  
PHOENIX AZ 85015

v.

LA FUENTE CONDOMINIUM ASSOCIATION

LYDIA P LINSMEIER

MICALANN C PEPE  
JUDGE J. SMITH

**MINUTE ENTRY**

The Court received Defendant's Motion to Strike Plaintiff's Application for Default Filed July 13, 2020 (filed 07/15/2020). Plaintiff did not respond, effectively conceding default is not warranted. But the appropriate outcome is not to strike Plaintiff's erroneous default application. Our rules permit motions to strike in limited situations, but this is not one of them. *See* Ariz. R. Civ. P. 7.1(f). Plaintiff asked for a form of relief to which he is not entitled. The remedy is not to move to strike the flawed request; the remedy is to oppose the request and show why Plaintiff is wrong. Indisputably, Plaintiff is wrong. Defendant is not in default. Defendant appeared and defended this action long ago.

**IT IS ORDERED** rejecting Plaintiff's application for entry of default.

**IT IS FURTHER ORDERED** denying Defendant's motion to strike.