

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-015684

09/16/2020

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

JONATHAN S WALLACK

MICALANN C PEPE
JUDGE J. SMITH

MINUTE ENTRY

The Court denied Defendant's Motion to Strike Plaintiff's Application for Default Filed July 13, 2020. [*See* Min. Entry (filed 08/18/2020).] Nonetheless, Plaintiff then filed Plaintiff's Motion to Dismiss Defendant's Motion to Strike (filed 09/08/2020). That was inappropriate and unnecessary. Moreover, filing a "motion to dismiss" in response to the other side's motion is never correct. If your opponent files a motion (*e.g.*, "Defendant's Motion to _____"), then the correct step is for you to file a response (*e.g.*, "Response to Defendant's Motion to _____"). The moving party then files a reply supporting its motion (*e.g.*, "Reply in Support of Defendant's Motion to _____"). Briefing is then complete. There is not another brief responding to or opposing the reply unless the Court requests it, which is rare.

IT IS ORDERED prohibiting either party from filing a "motion to dismiss" in response to the other side's motion. A party also cannot file a "motion to strike" without first obtaining the Court's permission to do so.

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IT IS FURTHER ORDERED denying Plaintiff's Motion to Dismiss Defendant's Motion to Strike.

It appears that a dispute about one or both parties properly serving documents on the other exists. This division has approximately 500 cases on its docket. The Court cannot micromanage how the parties serve documents. If they do not agree to use email, then our rules call for mail or hand-delivery. If disputes about parties receiving mailed or hand-delivered documents arise, then the Court will require the parties to (1) use an online service that tracks when a party accesses an uploaded document (*e.g.*, Drop Box) or (2) come to Court in-person weekly or bi-weekly to exchange documents on the record.