

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-011347

01/11/2018

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
C. Mai
Deputy

MARK D GOLDMAN

DENNIS I WILENCHIK

v.

MARK KRISTOPHER SAHL, et al.

JOHN R CUNNINGHAM

JEFFERSON T COLLINS
JUDGE LEMAIRE
JUDGE WARNER

MINUTE ENTRY

The Complaint in this case was filed on August 4, 2017, and was assigned to this Division. On December 8, 2017, Plaintiff Mark D. Goldman filed a Notice of Change of Judge, seeking a change of judge as of right pursuant to Rule 42.1, Ariz.R.Civ.P. By minute entry dated December 11, 2017, this case was re-assigned to the Honorable Kerstin LeMaire. Minute Entry of December 11, 2017 at p. 1.

The Court has reviewed and considered the Objection to Plaintiff's Notice of Change of Judge ("Objection"), which was filed on December 14, 2017 by Defendants Mark Sahl, Kayla Sahl, and Carpenter Hazlewood Delgado & Bolen, PLC. No response or reply has been filed, and Oral Argument has not been requested.

As the Defendants note in their Objection, Rule 42.1(c), Ariz.R.Civ.P., provides in part that, with certain exceptions inapplicable here, a party that seeks a change of judge as a matter of right must file a Notice of Change of Judge "within 90 days after the party giving notice first appears in the case." Ariz.R.Civ.P.(c)(1). The Notice of Change of Judge that the Plaintiff filed 125 days after the filing of his Complaint was, therefore, untimely.

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Good cause appearing,

IT IS ORDERED sustaining the Objection to Plaintiff's Notice of Change of Judge.

IT IS FURTHER ORDERED referring this matter to the Civil Presiding Judge for re-assignment.