

ARIZONA SUPERIOR COURT
IN AND FOR THE COUNTY OF MARICOPA

CLERK OF THE
SUPERIOR COURT
FILED
L. GROENEVELD. DEP

2020 JAN 14 PM 2:07

CV2019-055353

MOTION TO STRIKE QUINN/POLGER'S
ANSWER

(Assigned to the Honorable
Theodore Campagnolo)

Jie Cao, Haining Xia, Stone Xia

Plaintiffs,

v.

Lorne Polger, Matt Quinn, Michael A Schern

Defendants.

The undersigned, on behalf of Jie Cao, Haining Xia and Stone Xia, hereby inform the court that the Defendants have completely failed to comply with their obligations to send filed documents to us during the entire proceeding up to the date of this motion.

The specifics are as follows:

The Plaintiffs filed the Complaint with the Superior Court of Maricopa County on November 20, 2019. According to the court docket, we saw several filings made by Michael A. Schern (an attorney who is also a Defendant in this case): (i) on December 18, 2019, a MOTION FOR MORE DEFINITE STATEMENT, (ii) on December 18, 2019, a DEFENDANTS' NOTICE REQUESTING ASSIGNMENT TO COMMERCIAL COURT, (iii) on December 20, 2019, an Answer.

After reading the three filed documents, the Plaintiffs became aware of a material misrepresentation made by Michael A. Schern regarding his capacity to act on behalf of the other two Defendants. Schern claimed to be counsel for Lorne Polger and Matt Quinn in all three filings, while both Polger and Quinn were represented by a different attorney. The Plaintiffs refer to the NOTICE OF APPEARANCE filed by Edith I. Rudder, Esq. of Carpenter, Hazlewood, Delgado & Bolen, LLP on December 9, 2019 and THE MOTION TO WITHDRAW AS COUNSEL WITHOUT CONSENT filed by the same attorney on January 3, 2020. When Schern filed the three documents, on December 18, December 18 and December 20, respective, he knowingly made a misrepresentation to the court.

PRAY

The Plaintiffs pray for the court to strike all parts of three filings that are related to Quinn and Polger. In particular, the Plaintiffs pray for the court to strike Schern's claim as ATTORNEY FOR DEFENDANTS in the Answer he filed on December 20, 2019. The Plaintiff pray for the

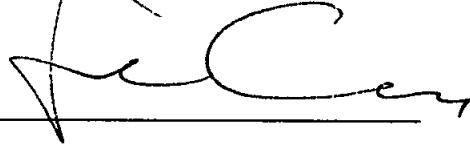
court to affirm that Quinn and Polger, who were represented by Edith I. Rudder, Esq. never filed an Answer.

The Plaintiffs also pray for the court to compel Schern to comply with the Rules of Professional Conduct issued by the Supreme Court of Arizona and refrain from making further misrepresentation of facts and law to the court of law.

AFFIDAVIT

I, Jie Cao, do hereby certify that the statements and allegations set forth herein are true and accurate to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jie Cao', is written over a horizontal line.

JIE CAO

On behalf of:

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