



SCHERN RICHARDSON FINTER

1 Michael A. Schern #022996  
2 Aaron M. Finter #022437  
3 Aaron R. Clouse #033230  
4 1640 S. Stapley Drive, Suite 132  
5 Mesa, Arizona 85204  
6 Email: courtdocs@srflawfirm.com  
7 Tel: (480) 632-1929

*Attorneys for Defendants*

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
9 IN AND FOR THE COUNTY OF MARICOPA

10 JIE CAO; HAINING XIA; STONE XIA,

11 Plaintiffs,

12 v.

13 LORNE POLGER; MATT QUINN;  
14 MICHAEL A. SCHERN,

15 Defendants.

**No. CV2019-055353**

**DEFENDANTS' MOTION TO STRIKE  
PLAINTIFFS' MOTION FOR TREBLE  
DAMAGES**

Honorable Theodore Campagnolo

16 Defendants Lorne Polger, Matt Quinn, and Michael A. Schern (“Defendants”), by and  
17 through undersigned counsel, and pursuant to Ariz. R. Civ. P. 12(f), hereby submit this Motion to  
18 Strike, respectfully requesting this Court to enter an Order striking the Motion for Treble Damages  
19 (“Plaintiffs’ Motion”) filed by Plaintiffs on or about January 6, 2019. Defendants are unable to  
20 respond to Plaintiffs’ Motion as it is unclear. Defendants’ Motion to Strike is also supported by  
21 the fact that Plaintiffs’ Motion is not in compliance with the applicable rules of procedure.

22 While the Motion is captioned as a Motion for Treble Damages, which in itself is  
23 convoluted and untimely at this stage of the litigation, it is drafted more closely to an amended  
24 complaint. The bulk of Plaintiffs’ thirteen page, single spaced, Motion includes additional  
25 allegations with “background facts” and supporting information that is piecemealed from various  
sources.

1 In addition to Plaintiffs' Motion being confusing, it is also not compliant with the Arizona  
2 Rules of Civil Procedure. Courts have held unrepresented litigants in Arizona to the same  
3 standards as attorneys; therefore, in applying the rules of procedure, courts may not afford special  
4 leniency to pro se litigants. *See Flynn v. Campbell*, 243 Ariz. 76, 402 P.3d 434 (2017). Pursuant  
5 to the Arizona Rules of Civil Procedure, a motion must be in writing, state with particularity the  
6 grounds for granting the motion, and set forth the relief or order sought. Ariz. R. Civ. P. 7.1.  
7 Further, all motions must be accompanied by a memorandum setting forth the reasons for granting  
8 the motion, along with citations to the specific parts or pages of supporting authorities and  
9 evidence. *Id.* Plaintiffs' Motion also fails to comply with format requirements of Ariz. R. Civ. P.  
10 5.2(b).

11 At this time, Defendants are unable to ascertain what the Plaintiffs are seeking by way of  
12 the Motion for Treble Damages. This is preventing undersigned counsel from preparing any  
13 substantive response thereto.

14 For the reasons cited above, the Defendants respectfully request this Court to enter an Order  
15 striking the Plaintiff's Motion filed on January 6, 2020, and for such additional relief as this Court  
16 deems just and proper. A proposed order is being lodged herewith.

17  
18 DATED this 15<sup>th</sup> day of January 2020.

19 SCHERN RICHARDSON FINTER, PLC

20  
21 By: /s/ Michael A. Schern

22 Michael A. Schern  
23 Aaron M. Finter  
24 Aaron R. Clouse  
25 1640 S. Stapley Dr., Ste. 132  
26 Mesa, AZ 85204  
Attorneys for Defendants

1 ORIGINAL of the foregoing electronically filed  
2 this 15<sup>th</sup> day of January, 2020.

3 COPY of the foregoing mailed  
4 this 15<sup>th</sup> day of January, 2020, to:

5 Jie Cao, Haining Xia, Stone Xia  
6 15742 E. Eagle Crest Road  
7 Fountain Hills, AZ 85268  
8 Plaintiffs

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By: /s/Ronnie Sue Taxin