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**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

Jie Cao, Haining Xia, Stone Xia  
Name of Plaintiff or Petitioner

Case Number: CV2019-055353

Title: Motion to Strike Defendants' Answer,  
Notice and Motion

Lorne Polger, Matt Quinn, Michael A Schern  
Name of Defendant or Respondent

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

The undersigned on behalf of the Plaintiffs, move this court to reject the Defendants' Answer filed on December 20, 2019 and all other motions and notices filed before January 15, 2020 due to the fact that they were ex-parte communications. As Plaintiffs we have received zero communications from the Defendants until Jan 15, 2020.

Rule 5(a)(2) of the Rules of Civil Procedure for the Superior Courts requires all pleadings after the original Complaint "must be served on every party." Defendants have completely failed to serve any answer or pleading on the Plaintiffs until January 15, 2020. Among other things, the Plaintiffs were not served with the Defendants' Motion for More Definitive Statement (12/18/2019), Defendants' Notice for Requesting Assignment to Commercial Court (12/18/2019), or Defendants' Answer (12/20/2019).

In particular, the Plaintiffs ask the court to remove the Minute Entry dated 01/17/2020 which referred the case for reassignment to the Commercial Court. Such reassignment would be unfair and prejudicial to the rights of the Plaintiffs. Moreover, the key issue of this case is the interpretation of a state statute (ARS 33-1228), which is not appropriate for the Commercial Court to rule.





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## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Jie Cao, Haining Xia, Stone Xia  
Name of Plaintiff or Petitioner

Case Number: CV2019-055353

### ORDER

Lorne Polger, Matt Quinn, Michael Schem  
Name of Defendant or Respondent

When you submit a motion [a request] to the Court, you *may* submit your own proposed version of the Order you want the Judge to sign. IF this motion is a *stipulation* [an agreement or joint request] presented by two or more parties, you **MUST** submit your own proposed version of the Order. [Maricopa County Local Rule 3.2 (i)(1)].

The Judicial Officer will make a decision on your request and may sign the page that you submitted, or more likely will direct the Clerk to make a "minute entry" recording the decision. A "minute entry" is a note in the records of the Court's proceedings. The minute entry will be printed, reviewed, approved and signed by the Judge, and sent to all parties.

If you have submitted your own proposed Order, you **must** include a copy of the Request and the Order and a stamped envelope addressed to each party who has "entered an appearance" in the case. This means named parties or anyone that has filed papers in the case. [Maricopa County Local Rule 3.2 (i)(1)].

#### IT IS ORDERED THAT:

Defendants' Motion for More Definitive Statement dated December 18, 2019 be rejected as ex-parte communication.

Defendants' Notice Requesting Reassignment to Commercial Court dated December 18, 2019 be rejected as ex-parte communication.

Defendants' Answer dated December 20, 2019 be rejected as ex-parte communication.

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DONE IN OPEN COURT: \_\_\_\_\_

\_\_\_\_\_  
JUDGE/COMMISSIONER