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6 Representing self

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

9
10 Lisa Marx
11 Plaintiff,

Case No. CV 2025-012980

12 vs.

13 Tara Condominiums Association, Inc.,
14 Mark Gottmann and Dennis Anderson
15 Defendant.

**RESPONSIVE MEMORANDUM TO
MOTION FOR MORE DEFINITE
STATEMENT AND TO STRIKE
REDUNDANT MATTER**

16 Honorable Randall H. Warner

17 Petitioner, Lisa Marx, asks the court to deny Defendant's motion for a more Definite
18 Statement pursuant to Rule 12(e) of the Arizona Rules of Civil Procedure and deny
19 motion to Strike Redundant Matter pursuant to Rule 12(f). Defendants failed to have a
20 problem stating each numbered claim and any corresponding supporting points in
21 their PARTIAL MOTION TO DISMISS PLAINTIFF'S CLAIMS THAT ARE
22 DERIVATIVE IN NATURE PURSUANT TO RULE 12(b)(6) petition that was filed May
23 28, 2025 and denied June 24, 2025. Now they complain that they can not go through
24 the numbered claims and supporting points and address them with a proper answer.

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I. INTRODUCTION

Plaintiff's complaint was filed following the procedures stated in Arizona Rules for Civil Procedure. Its length is due to the large volume of complaints/claims being addressed and the particular numbered points supporting each claim. Supporting points are all in order and have exhibit references indicated at the end of each point for easy reference proof and in support of the particular supporting points so that there isn't any confusion regarding the factual basis of each claim and supporting points. The exhibits that were submitted with the filing of the case are all numbered, in chronological order and easily identified by their exhibit number typed at the top of each exhibit for easy reference.

The last two sentences on the exhibit list state, "Landscaping exhibits will be provided when they are completed. Audio files and transcripts will be provided when completed." Both of these files are voluminous as there are many photographs to document claims made and Plaintiff does not have clarity from the court as how the court want the files presented; for example, each photo as a separate exhibit or have the photos placed in a word document and presented in PDF format. This is not the court's shortfall, it simply has not been brought to the attention of the court until now. The audio files are of the meetings. There are minutes of the meetings presented. The audio files still need to be transcribed for the specific details needing to be referenced and are required to be transcribed for admission as evidence with the audio files. The lack of these two sets of exhibits in no way prevents the Defendants from answering the claims charged against them.

1 **II. PROBLEMS WITH CITED RULES OF CIVIL PROCEDURE IN REQUEST FOR**
2 **RELIEF UNDER RULE 12(e)**
3

4 Defendants make numerous claims of procedural failures in Plaintiff's complaint as
5 grounds to have a Rule 12(e) more definite statement of pleadings submitted to the
6 court. The Defendant's Arizona Rules of Civil Procedure citations do not correspond
7 with the Defendant's claims of insufficiency and noncompliance.

8 1. Defendants claim on page 2 line 25,

9 "The Complaint resets paragraph numbering at the beginning
10 of each claim, a practice that directly violates Rules 5.2(g) and 10(d),
11 which require that paragraphs be numbered consecutively throughout
the entire pleading."

12 Citation 5.2(g) does not exist.

13 ARCP 5.2(G) states, "Headings and Emphasis. Headings must be
14 underlined, or be in italics or bold type. Underlining, italics, or bold
15 type also may be used for emphasis."

16 Plaintiff's claims are clearly stated in capital letters, bold type and underlined for
17 easy reference, with supporting statements of fact numbered under each claim. For
18 example, claims are stated as follows:

19 "Claim 1- VIOLATION OF THE OPEN MEETING LAWS
20 STATEMENT OF FACTS AND BREACH"

21 Numbered and stated under the claim are 33 separate points of the violations of the
open meeting laws.

22 "CLAIM 2. FAILURE TO TURN OVER RECORDS TIMELY
23 STATEMENT OF FACTS AND BREACH"

24 Numbered and stated under the claim are 23 separate points of the violations of the

1 request for the review of documents in a timely manner.

2 “CLAIM 3. CHANGING THE INSURANCE DEDUCTIBLE
3 WITHOUT AMENDING THE BY-LAWS STATEMENT OF FACTS
4 AND BREACH”

5 Numbered and stated under the claim are 5 separate points regarding changing of
6 the insurance deductible without amending the by-laws.

7 Each additional claim follows suit in a like manner

8 2. Defendants claim on page 2 line 25,

9 “The Complaint resets paragraph numbering at the beginning
10 of each claim, a practice that directly violates Rules 5.2(g) and 10(d),
11 which require that paragraphs be numbered consecutively throughout
the entire pleading.”

12 Citation 10(d) states:

13 “10(d) Using a Fictitious Name to Identify a Defendant. If the name
14 of the defendant is unknown to the plaintiff, the defendant may be
15 designated in the pleadings or proceeding by any name. If the defendant's
true name is discovered, the pleading or proceeding should be amended
accordingly.”

16 The ARCP citation has absolutely nothing to do with the stated complaint of the
17 Defendants.

18 3. Defendants claim on page 3 line 1:

19 “This formatting error alone renders the Complaint unmanageable,
20 as it prevents Defendants from admitting or denying specific
21 allegations as required by Rule 8(b).”

22 Since the formatting errors stated in points 1 and 2 do not exist, point 3 is a moot
23 and unfounded claim on behalf of the Defendants.

24 4. Defendants claim on page 3 line 3:

1 "In addition, the Complaint lacks the line numbering required under Rule
2 5.2(a),"

3 Citation 5.2(a) states:

4 "5.2(a) (a) Caption. Documents filed with the court must
5 contain the following information as single-spaced text,
6 typed or printed, on the first page of the document:"

7 This clearly is not applicable as the CIVIL COMPLAINT Breach of Contract was
8 filed on a preprinted court form provided by the Superior Court of Arizona in
9 Maricopa as stated in the lower left corner of page 1 of the complaint and is acceptable
10 by the court as a standard form.

11 5. Defendants claim on page 3 line 4:

12 "uses improper spacing in violation of Rule 5.2(b),"

13 ARCP 5.2(b)states: "5.2(b) Document Format states:"

14 This is, again, an incorrect citation.

15 6. Defendants claim on page 3 line 4:

16 "and appears to fall short of the minimum 13-point font size
17 required under Rule 5.2(c)."

18 ARCP 5.2(c) states:

19 "5.2(c) Electronically Filed Documents. ACJA § 1-901 governs
20 the form of electronically filed documents, including the format,
21 file type and size, format of exhibits and attachments, use of
22 hyperlinks and bookmarks, and originals."

23 This is again an unclear citation.

24

1 Plaintiff's format very closely models the format of defendant's papers and can be
2 verified when held up to the light with 8 1/2" x 11" papers aligned on their perimeters.
3 Plaintiff uses Book Antiqua font at 13-point type size in compliance with ARCP 5.2
4 (b)(1)(B). There isn't anything, "dense, difficult to navigate, procedurally
5 noncompliant" nor anything that should, "severely prejudices Defendants' ability to
6 meaningfully respond to each allegation."

7
8 7. Defendants claim on page 3 line 8:

9 "Beyond formatting, the Complaint fails to satisfy the
10 substantive pleading standards of Rule 8. It does not contain a short and
11 plain statement of the claims as required by Rule 8(a),"

12 ARCP Rule 8(a)(1)(2)(3) states:

13 "(a) Claim for Relief. A pleading that states a claim for relief must contain:
14 (1) a short and plain statement of the grounds for the court's
15 jurisdiction, unless the court already has jurisdiction and the
16 claim needs no new jurisdictional support;
17 (2) a short and plain statement of the claim showing that the pleader is
18 entitled to relief; and
19 (3) a demand for the relief sought, which may include relief in the
20 alternative or different types of relief."

21 Plaintiff's complaint fulfills 8(a)(1) on page one, point one of the complaint.
22 Plaintiff's complaint fulfills 8(a)(2) under the 12 different main claim complaints cited
23 throughout the remainder of the complaint. Plaintiff's complaint fulfills 8(a)(3) as
24 indicated on page 4 of the standard form of the complaint and references pages 117-122
of the complaint.

8. Defendants claim on page 3 line 16:

1 "Rule 10(b) provides that " A party must state its claims or
2 defenses in numbered paragraphs, each limited as far as
3 practicable to a single set of circumstances."

4 As previously stated, Plaintiff's numbered claims are clearly stated in capital letters,
5 bold type and underlined for easy reference, with supporting statements of fact
6 numbered under each claim.

7 **III. REQUEST TO STRIKE REDUNDANT MATTER UNDER RULE 12(f)**

8 Plaintiff's claims and supporting evidence are not redundant. Each supporting
9 point corresponds to the claims stated that are in violation of the governing documents
10 or state statutes and has supporting evidence to substantiate the proof of the violations
11 of the law/ breach of contract. Each point is a valid point and is needed to support the
12 depth and seriousness of the breach of contract and that it is not just rookie errors by
13 volunteer board members that want to avoid any responsibility for their actions.

14 **IV. CONCLUSION**

15 The Plaintiff's complaint is sufficient under the Rules for Civil Procedure cited and
16 the facts presented in this response memorandum that point out the deficiencies in the
17 Defendant's Motions.

18 Therefore, Plaintiff requests that the Defendant's "MOTION FOR MORE DEFINITE
19 STATEMENT AND TO STRIKE REDUNDANT MATTER" be denied as they lack
20 factual basis and merit.

21 Respectfully submitted this 18th day of July, 2025.

22 By: 

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ORIGINAL of the foregoing e-filed
this 18th day of July, 2025
Arizona Judicial Branch Statewide eFiling System

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By:  _____
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