

1 Lisa Marx  
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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.

**AFFIDAVIT OF LISA MARX IN  
SUPPORT OF MOTION FOR  
CHANGE OF JUDGE FOR CAUSE  
STATE OF ARIZONA**

Honorable Randall H. Warner

16  
17 **AFFIDAVIT OF LISA MARX IN SUPPORT OF MOTION FOR CHANGE OF**  
18 **JUDGE FOR CAUSE**

19 I, Lisa Marx, depose and state as follows:

- 20 1. I am the Plaintiff in the above-captioned matter, Case No. CV 2025-012980, and I  
21 am over the age of 18 and competent to testify to the matters set forth herein. I  
22 make this Affidavit based on personal knowledge and in support of my Motion  
23 for Change of Judge for Cause pursuant to A.R.S. § 12-409(B)(5).  
24

- 1 2. I have cause to believe and do believe that, on account of the bias and prejudice  
2 of the Honorable Randall H. Warner, I cannot obtain a fair and impartial trial in  
3 this action.
- 4 3. The bias and prejudice are demonstrated by Judge Warner's pattern of rulings  
5 that disregard Arizona law and my well-supported arguments, particularly  
6 regarding direct claims against individual defendants for ultra vires acts and  
7 willful misconduct, in favor of shielding individual HOA board members from  
8 accountability without due consideration of the evidence or legal authority  
9 presented.
- 10 4. Specifically, in the November 17, 2025 Minute Entry, Judge Warner denied my October 5,  
11 2025 Motion for Preliminary Injunction and Permanent Injunction, stating that the  
12 matters raised do not warrant another preliminary injunction hearing, despite my  
13 detailed allegations of ongoing violations of the Arizona Condominium Act and  
14 governing documents, including unauthorized expenditures and denials of inspection  
15 rights, which cause me irreparable harm such as loss of participation rights and  
16 property value diminution. This ruling ignores the merits of my claims and the need for  
17 expedited relief under ARCP 65, showing prejudice against enforcing statutory duties  
18 against HOA directors.
- 19 5. Here, there is no undue delay (filed promptly after the September 10 order), no bad faith  
20 (claims are longstanding and refined, not new), no futility (supported by statutes  
21 like A.R.S. § 33-1243 and case law like *Johnson*)...
- 22 6. Further, in the same Minute Entry, Judge Warner denied my September 22, 2025  
23 Motion for Leave to File Third Amended Complaint pursuant to ARCP 15(a)(2),  
24 asserting a lack of good cause to re-assert claims against dismissed individual

1 defendants Mark Gottmann and Dennis Anderson. However, my motion clearly  
2 explained that these are direct claims originating from the original April 11, 2025  
3 Complaint, refined in compliance with the Court's July 15, 2025 order for a more  
4 definite statement, and supported by Arizona case law such as Johnson v. Pointe  
5 Cmty. Ass'n, Inc., 205 Ariz. 485, 73 P.3d 616 (App. 2003), which holds that boards  
6 owe fiduciary duties to individual owners, allowing direct claims for  
7 personalized harms like improper voting exclusions and record denials. This  
8 denial constitutes an abuse of discretion under ARCP 15(a)(2), as Arizona law  
9 mandates that leave to amend be freely given when justice requires, absent  
10 undue delay, bad faith, dilatory motive, futility, or prejudice to the opposing  
11 party (see, e.g., Carranza v. Madrigal, 237 Ariz. 512, 515, ¶ 11, 354 P.3d 418 (App.  
12 2015); Owen v. Superior Court, 133 Ariz. 75, 79, 649 P.2d 278 (1982)). Here, there  
13 is no undue delay (filed promptly after the September 10 order), no bad faith  
14 (claims are longstanding and refined, not new), no futility (supported by statutes  
15 like A.R.S. § 33-1243 and case law like Johnson), and no prejudice (discovery  
16 ongoing since September 4, 2025, no trial set). The ruling overlooks these  
17 authorities and the absence of prejudice to defendants, indicating bias in  
18 interpreting claims as derivative rather than direct, as distinguished in cases like  
19 Albers v. Edelson Tech. Partners L.P., 201 Ariz. 47 (App. 2001), which allows  
20 direct claims for injuries independent of harm to the entity, such as decreased  
21 voting power or monetary losses.

- 22 7. This pattern of rulings, which consistently favors dismissing or denying claims  
23 against individual defendants without addressing the substantive legal  
24 arguments or evidence I have presented, such as post-filing violations specified

1 in the proposed Third Amended Complaint, demonstrates bias and prejudice  
2 against my position as a pro se litigant seeking to enforce rights under the  
3 Arizona Condominium Act and nonprofit corporation statutes.

4 8. The bias is not based solely on unfavorable rulings but on the Court's repeated  
5 failure to engage with the specific facts and law cited in my filings, resulting in  
6 decisions that protect individual defendants from liability for actions exceeding  
7 their authority, to my detriment. This includes the abuse of discretion in denying  
8 leave to amend, which prevents merits adjudication and irreparably harms my  
9 ability to prosecute direct claims.

10 9. I have no personal relationship with Judge Warner, and the grounds for this  
11 Affidavit arise solely from the record in this case.

12 10. I believe these facts establish bias and prejudice under A.R.S. § 12-409(B)(5),  
13 warranting a change of judge to ensure a fair trial.

14 **FURTHER AFFIANT SAYETH NAUGHT.**

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
16 November 23, 2025.

17 /s/ Lisa Marx

18 Lisa Marx

19  
20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on this 23rd day of November, 2025, a true and correct copy of the  
22 foregoing Motion for Change of Judge for Cause Pursuant to ARCP 42.2, attached  
23 Affidavit, and proposed form of order was served via email (where applicable) and

24 U.S. Mail upon:

1 Honorable Pamela S. Gates Presiding Judge

2 Central Court Building

3 201 W. Jefferson Street

4 Phoenix, AZ 85003

6 Honorable Randall H. Warner Noticed Judge

7 Central Court Building

8 201 W. Jefferson Street

9 Phoenix, AZ 85003

11 Raymond L. Billotte

12 Judicial Branch Administrator

13 Old Courthouse

14 125 W Washington St.

15 Phoenix, AZ 85003

17 Charles H. Oldham

18 Attorney for Defendant Tara Condominiums Association,

19 [Chuck.Oldham@chdbl.com](mailto:Chuck.Oldham@chdbl.com)

21 Ari A. Bowhay

22 [Ari.Bowhay@chdbl.com](mailto:Ari.Bowhay@chdbl.com)

23 Mark Gottmann

24

1 13621 N Newcastle Dr.  
2 Sun City, AZ 85351

3  
4 Dennis Anderson  
5 13661 N Newcastle Dr.  
6 Sun City, AZ 85351

7  
8 Pursuant to ARCP 5(c) and 42.2(c), service is made on all parties or their counsel of  
9 record, the presiding judge, the noticed judge, and the court administrator. The  
10 dismissed individual defendants (Gottmann and Anderson) are included as they  
11 remain implicated in the underlying claims and recent filings (e.g., their November 12,  
12 2025 Motion for Reconsideration). If an address is incorrect or unconfirmed, alternative  
13 service c/o Charles H. Oldham is authorized if needed.

14 /s/ Lisa Marx  
15 Lisa Marx