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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 **PLAINTIFF'S REPLY TO**
15 **DEFENDANTS' OBJECTION TO**
16 **MOTION FOR CHANGE OF JUDGE**
17 **FOR CAUSE**

Honorable Randall H. Warner

18 Plaintiff Lisa Marx, representing self, hereby replies to Defendants' Objection to
19 Plaintiff's Motion for Change of Judge for Cause, filed December 5, 2025.

20 **I. INTRODUCTION**

21 Defendants' Objection mischaracterizes Plaintiff's affidavit as relying solely on
22 unfavorable rulings and ignores the specific facts demonstrating a pattern of bias and
23 prejudice under A.R.S. § 12-409(B)(5). The affidavit demonstrates the Court's repeated
24 failure to substantively address cited law and evidence, which an objective observer

1 could reasonably perceive as a pattern of favoritism towards the individual defendants.
2 The Presiding Judge's subsequent reassignment of the case on November 25, 2025,
3 substantiates the existence of legitimate grounds for the motion, and the Objection
4 should be denied.

5 II. ARGUMENT

6 A. Plaintiff's Affidavit Presents Specific Facts Establishing Bias, Not Mere 7 Disagreement with Rulings

8 Contrary to Defendants' assertion, the affidavit is based on personal knowledge of the
9 record and identifies a factual pattern of prejudicial conduct, including the Court's
10 failure to address substantive arguments and evidence in key rulings. For example:

- 11 • The November 17, 2025 denial of the October 5, 2025 Motion for Preliminary
12 Injunction ignored detailed allegations of ongoing statutory violations (e.g.,
13 unauthorized expenditures, record denials), despite evidence of irreparable harm
14 (loss of participation rights, property value diminution), and the need for relief
15 under ARCP 65. This was not a mere adverse ruling but a failure to engage with
16 facts and law, showing prejudice against enforcing HOA duties.
- 17 • The same denial overlooked Arizona law favoring liberal amendments (ARCP
18 15(a)(2); *Carranza v. Madrigal*, 237 Ariz. 512 (App. 2015) (holding that leave to
19 amend should be freely given absent a showing of prejudice, which was absent
20 here)), absent prejudice (discovery ongoing, no trial set), and mischaracterized
21 direct claims as derivative, ignoring case law like *Johnson v. Pointe Cmty. Ass'n*,
22 *Inc.*, 205 Ariz. 485 (App. 2003) (holding that boards owe fiduciary duties to
23 individual owners, allowing direct claims for personalized harms like improper
24 voting exclusions and record denials).

1 This pattern of judicial conduct, in which specific facts and controlling authority were
2 demonstrably overlooked, moves beyond mere legal error and evidences the kind of
3 'deep-seated antagonism' that the Supreme Court and Arizona courts have recognized
4 as requiring disqualification under the Liteky and Stagecoach Trails standards.

5 B. The Affidavit Contains Competent Factual Assertions, Not Improper Legal
6 Argument

7 Defendants claim the affidavit improperly includes legal conclusions, but it cites law to
8 support factual assertions of bias (e.g., abuse of discretion in overlooking authorities).
9 Referencing law within the affidavit serves to illustrate the factual basis for the alleged
10 abuse of discretion; it does not constitute improper legal conclusion, but provides the
11 necessary context required under State v. Perkins to demonstrate why the Court's
12 actions were objectively prejudicial.

13 C. Disqualification Does Not Undermine Justice; It Ensures Fairness

14 Defendants warn of "judge-shopping," but Plaintiff's motion is based on legitimate
15 concerns, not tactics. Ensuring an impartial forum in this matter does not equate to
16 'judge-shopping'; rather, it upholds the public's confidence in the integrity and fairness
17 of the judiciary, a primary purpose of the disqualification statutes.

18 **III. CONCLUSION**

19 The Objection lacks merit and should be denied. Plaintiff's motion and affidavit
20 establish sufficient facts for change of judge under A.R.S. § 12-409(B)(5) and ARCP 42.2.
21 Oral argument is requested.

22 DATED this 7th day of December, 2025.

23 /s/ Lisa Marx

24 Lisa Marx Plaintiff, pro se

1 **CERTIFICATE OF SERVICE**

2 ORIGINAL of the foregoing e-filed

3 this 7th day of December, 2025

4 Arizona Judicial Branch Statewide eFiling System

5
6 I hereby certify that on this 7th day of December, 2025, a true and correct copy of the
7 foregoing was served via email on Defendants' counsel:

8 Charles H. Oldham

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12 /s/ Lisa Marx

13 Lisa Marx

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