

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.,

**PLAINTIFF'S REPLY TO  
DEFENDANT'S POSITION ON  
DISCOVERY DISPUTE (Pursuant to  
ARCP Rule 26(d))**

Honorable Adele Ponce

16 Plaintiff Lisa Marx, self-represented, submits this Reply to Defendant's Position filed  
17 February 18, 2026. This Reply **corrects factual inaccuracies, addresses Defendant's**  
18 **backpedaling on non-compliance**, and reaffirms that the subpoenas duces tecum were  
19 issued solely to third parties Casey J. Bell Agency LLC (American Family Insurance)  
20 and Colby Management – not to Defendant. Defendant's counsel never stated they  
21 represented either third party and thus had no authority to delay compliance or  
22 intercept production. Plaintiff was not obligated to modify the subpoenas based on  
23 Defendant's objections, as counsel was not the receiving party. **The letters inaccurately**  
24 **represented the law by overstating suspension effects without third-party objections**

1 **or court order, contributing to delays.** Plaintiff requests the Court consider this to  
2 complete the record, compel full compliance, impose sanctions for delays, and grant  
3 oral argument as requested by Defendant only if it will not further delay production.

- 4 1. **Factual Corrections and Timeline of Evasion: Defendant's Position contains**  
5 **inaccuracies and omissions demonstrating backpedaling.** The meet-and-confer  
6 occurred February 11, 2026 (not 12), as shown in the transcript referenced in  
7 Plaintiff's February 17 Statement. Plaintiff's amendments (January 20 notice)  
8 changed only the dates, but this is immaterial – Plaintiff had no obligation to  
9 alter content based on Defendant's objections, as counsel was not the subpoena  
10 recipient. Plaintiff's December 5, 2025 email acknowledged concerns and sought  
11 specific proposed changes by end of day (unanswered), showing good faith  
12 despite no duty to do so. No new objections or motion to quash was filed under  
13 Rule 45(e)(2) after the amendments.

14 Defendant now claims "inadvertent" Casey Bell non-compliance due to  
15 "communication breakdown" – a shift from **prior assertions that objections suspended**  
16 **production without court order** (November 26, 2025 and February 6, 2026 letters).  
17 These letters **inaccurately represented Rule 45 by claiming association objections**  
18 **alone suspend third-party obligations and that Plaintiff must halt service –**  
19 **misstating the law, as only third-party objections trigger suspension (Rule**  
20 **45(c)(6)(B)).** Casey Bell transmitted partial documents at 9:36 a.m. February 18, 2026 –  
21 still late, incomplete, and without a privilege log under Rule 26(b)(6). Colby's February  
22 13 production was late, incomplete, and lacked a log. These delays prejudice Plaintiff's  
23 case preparation in delaying evidence.  
24

1           **2. Subpoenas Issued Solely to Third Parties – No Representation or Authority by**  
2           **Defendant's Counsel:** Subpoenas were directed to non-parties Casey Bell and  
3           Colby Management, holding unique records (e.g., claim files, correspondences).  
4           Defendant's counsel never claimed representation of either, lacking authority to  
5           object on their behalf, intercept documents (February 5 email), or delay. Counsel  
6           knew Rule 26(d), stating in November 26, 2025 letter (received November 29):  
7           "The Association intends to file two Joint Statements... Once prepared I will send  
8           the drafts... In the meantime, you are requested to forego serving... pending the  
9           Court's resolution." Counsel never followed through – no drafts, no filings, no  
10          order – delaying evidence without basis. **The letter inaccurately implied**  
11          **Plaintiff must comply with this request under law, misrepresenting**  
12          **obligations.**

13          After Plaintiff's unanswered December 5 offer, subpoenas served December 29, 2025.  
14          January 6, 2026 letter demanded withdrawal and threatened quashing – no action  
15          taken. Plaintiff's January 20 Notice received no objection; subpoenas served January 23.  
16          February 5 email confirmed interception.

17          **3. Third Parties' Obligations and Non-Compliance:** Casey Bell/Colby had sole  
18          obligation to object/comply – no communication received, despite  
19          service/instructions. Neither fully complied: Casey Bell partial/late without log;  
20          Colby partial/late without log. Defendant's counsel, not representing third  
21          parties, cannot require redactions/logs – **yet intervened under A.R.S. § 33-1258,**  
22          **overriding Rule 45's direct production without order.**

23          **Requested Relief:** The Court should order immediate full production from both third  
24          parties (with privilege logs or in camera review) and impose sanctions for delays and

1 costs under Rules 37(d) and 45(e)(1). Plaintiff does not request oral argument to avoid  
2 further delays but defers to the Court's discretion if deemed necessary.

3 Dated: February 19, 2026

4 /s/ Lisa Marx Lisa Marx, Self-Represented Plaintiff

5 **Certificate of Service**

6 I certify that on February 19, 2026, I served this document via email on:

7 Chuck Oldham, Ari Bowhay, Suzanne Hilborn (CHDB Law) at

8 [chuck.oldham@chdblawn.com](mailto:chuck.oldham@chdblawn.com), [ari.bowhay@chdblawn.com](mailto:ari.bowhay@chdblawn.com),

9 [suzanne.hilborn@chdblawn.com](mailto:suzanne.hilborn@chdblawn.com).

10 Colby Management at [customerservice@colbymgt.com](mailto:customerservice@colbymgt.com)

11 Casey J. Bell at [cbell3@amfam.com](mailto:cbell3@amfam.com)

12 /s/ Lisa Marx

13 Lisa Marx, Self-Represented Plaintiff

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