

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-022259

03/14/2025

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
T. Aird
Deputy

RONALD C RUSS

RONALD C RUSS
6797 W EVERGREEN TER
PEORIA AZ 85383

v.

ROB LEWIS, et al.

MATTHEW S HOLT

JOSHUA M BOLEN
SCOTT CARPENTER
CHARLENE A CRUZ
NIKITA VERMA PATEL
MICHELLE B WELLNITZ
BRANDI CHRISTINE BLAIR
JUDGE GORDON
PEORIA POLICE DEPARTMENT

RULING

I. Introduction

Pending is Defendants' Rob Lewis, Liz Reynolds, A.A.M, Sonoran Mountain Ranch Homeowners Association, David Heckler, Corey Rice, Vickie Bertini, Amber Coclough, and Robert Galloway's (Defendants) Motion to Dismiss (filed 2/19/25). No Response was filed, and Plaintiff has not requested an extension to do so.

Also pending is Plaintiff's Emergency Motion for Stay of Case for 60 Days (filed 2/14/25) to which Defendants have filed an Opposition on February 28, 2025. No Reply was filed and Plaintiff's deadline to file a Reply has expired.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-022259

03/14/2025

Both motions are ready for ruling.

II. Rulings

A. Motion to Dismiss

In ruling on a Rule 12(b)(6) motion to dismiss, the Court will “assume the truth of the well-pled factual allegations and indulge all reasonable inferences therefrom.” *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419 (2008). The Court will grant the motion only if the plaintiff is not entitled to relief “under any facts susceptible of proof in the statement of the claim.” *ELM Ret. Ctr., LP v. Callaway*, 226 Ariz. 287, 289 (App. 2010), quoting *Mohave Disposal, Inc. v. City of Kingman*, 186 Ariz. 343, 346 (1996). The Court, however, will not “speculate about hypothetical facts that might entitle the plaintiff to relief.” *Cullen*, 28 at 420. Nor will the Court “accept as true allegations consisting of conclusions of law, inferences or deductions that are not necessarily implied by well-pleaded facts, unreasonable inferences or unsupported conclusions from such facts, or legal conclusions alleged as facts.” *Jeter v. Mayo Clinic Ariz.*, 211 Ariz. 386, 389 (App. 2005).

“Before the trial court grants a Rule 12(b)(6) motion to dismiss, the non-moving party should be given an opportunity to amend the complaint if such an amendment cures its defects.” *Wigglesworth v. Mauldin*, 195 Ariz. 432, 439 (App. 1999); *see also Dube v. Likins*, 216 Ariz. 406, 415 (App. 2007). But a request for leave to amend should be made in a proper motion. *Blumenthal v. Teets*, 155 Ariz. 123, 131 (App. 1987).

Finally, a *pro per* litigant “is held to the same familiarity with court procedures and the same notice of statutes, rules, and legal principles as is expected of a lawyer.” *Higgins v. Higgins*, 194 Ariz. 266, 270 (App. 1999). “[A] party who conducts a case without an attorney is entitled to no more consideration from the court than a party represented by counsel and is held to the same standards expected of a lawyer.” *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, 287 (App. 2000).

This case arises out of an alleged altercation at Homeowners’ Association Meeting. Defendants seek dismissal and argue that the specific allegations alleged against them cannot be deciphered and the matter should be dismissed. The Court agrees.

As required, the Court attempts to construe the Complaint to do substantial justice. *Rowland v. Kellogg and Root, Inc.*, 210 Ariz. 530 (App. 2005); Ariz. R. Civ. Proc. 8(f) (2025). While a Complaint need not be formulaic, the plain statement of the claim must give the defendant fair notice of what the claim is and the grounds upon which it rests. *See Bell Atlantic*

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-022259

03/14/2025

Corp. v. Twombly, 550 U.S. 555 (S. Ct. 2007) (interpreting the Rule 8 of the Federal Rules of Civil Procedure upon which the Arizona rules is based). Further, “Rule 8’s pleading standard demands more than ‘an unadorned, the-defendant-unlawfully-harmed-me accusation.’” See *Ashcroft v. Iqbal*, 556 U.S. 662 (S. Ct. 2009 (citing *Twombly* at *Id.*)).

The Court finds that Plaintiff’s Complaint in its current form is ‘an unadorned, the-defendants-unlawfully-harmed-me accusation. It details facts and circumstances for which he feels aggrieved but its narrative is hopelessly confusing. He was required to plead facts sufficient to demonstrate each of the elements for each of cause of action so as to give each defendant notice of the causes of action be asserted against him. Because Plaintiff categorically failed do so in any comprehensible way, the Complaint will be dismissed without prejudice.

Defendants also claim that they were not served within the 90-day time frame as required under Rule 4(i) of the Arizona Rules of Civil Procedure. The Court will decline to dismiss the Complaint on that basis.

B. Emergency Motion to Stay

The Court has reviewed the reasons Plaintiff offered for the requested and stay and finds them to lack good cause. Accordingly, the Motion will be denied.

III. Conclusion

For the foregoing reasons,

IT IS ORDERED granting Defendants’ Motion to Dismiss (filed 2/19/25).

IT IS FURTHER ORDERED granting Plaintiff leave to amend the Complaint in a manner that complies with Rule 8 **no later than 20 days from the filing date of this Minute Entry.**

IT IS FURTHER ORDERED denying Plaintiff’s Emergency Motion for Stay of Case for 60 Days (filed 2/14/25).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-022259

03/14/2025

SELF-REPRESENTED LITIGANT ADVISORY

Unless an attorney files a notice that he or she represents a party, the person(s) not represented by an attorney will act as his or her own attorney. Please note that **only a licensed attorney may represent a corporation, LLC, or similar business entity in the Superior Court.** *Ramada Inns v. Lane & Bird Advertising*, 102 Ariz. 127, 426 P.2d 395 (1967). **Except as provided by Rule 31.1, a person not authorized to practice law in Arizona under Rule 31.1(a), (c), or Rule 31.3 Arizona Rules Of The Supreme Court Of Arizona must not engage in the practice of law or provide legal services in Arizona.** <https://casetext.com/rule/arizona-court-rules/arizona-rules-of-the-supreme-court/regulation-of-the-practice-of-law/supreme-court-jurisdiction-over-the-practice-of-law/rule-313-exceptions-to-rule-312> .

EXPECTATIONS OF A SELF-REPRESENTED PARTY

The law requires the court to hold all persons representing themselves to the same standard as a licensed attorney. Parties who choose to represent themselves “are entitled to no more consideration than if they had been represented by counsel” and are held to the same standards as attorneys with respect to “familiarity with required procedures and . . . notice of statutes and local rules.” *Smith v Rabb*, 95 Ariz. 49, 386 P.2d 649 (1963); see also *Higgins v. Higgins*, 194 Ariz. 266, 981 P.2d.134 (App. 1999). A party’s ignorance of the law is not an excuse for failing to comply with it. *In re Marriage of Williams*, 219 Ariz. 546, 200 P.3d 1043 (App. 2008) citing *Moore v. Meyers*, 31 Ariz. 347, 253 P.2d 626 (1927).

The parties should familiarize themselves with the Arizona Rules of Civil Procedure. You can find them at:

<https://www.azcourts.gov/rules/Recent-Amendments/Rules-of-Civil-Procedure>
or <https://govt.westlaw.com/azrules/>

Pleadings Filed With The Court: Pleadings must comply with the Arizona Rules of Civil Procedure and contain a short and plain statement of the grounds for the Court’s jurisdiction, a short and plain statement of the claim showing the pleader is entitled to relief and the relief sought.

Motions Filed With The Court: All motions must legible, properly spaced and in a font size which complies with the Arizona Rules of Court, including but not limited to Rule 7.1, Arizona Rules of Civil Procedure and Rule 2.16, Local Rules of Practice For The Superior Court in Maricopa County. Specifically, all motions must state with particularity the grounds for granting the motion, and set forth the relief sought. Motions must be accompanied by a

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-022259

03/14/2025

memorandum setting forth the reasons for granting the motion, along with citations to the specific parts or pages of supporting authorities and evidence.

Before the judge can consider anything you send him, you must show him that you have given a copy of your request:

1. To the Clerk of the Court. The Clerk of the Court is a separately elected official. It is the clerk's job to keep an independent record of everything that happens at the court. The court cannot act on a document that has not been made a part of that record; and
2. To every other party involved in the case. This is so all parties have a fair chance to tell the judge what they think before he makes a decision.

Because of that, if you want the judge to consider something you send him, you must file the original document with the Clerk of the Superior Court, mail or deliver a copy directly to this Division and mail or deliver a copy to all opposing parties. In addition, on each document you must include a signed certificate that says whether you mailed or hand delivered each copy, when you did so, and states the specific people and the specific addresses to which you mailed or hand delivered each copy. If a party is represented by a lawyer, you must send or deliver the copy to the lawyer, not to the party. All proposed orders submitted to this Division must include copies of the order with self-addressed, stamped envelopes for all parties/counsel.

Do not mail or send papers for the clerk or other parties to the judge.

If you want to file papers with the Clerk of the Court by mail, please send them to:

Clerk of the Superior Court's Office
Civil File Counter
201 W. Jefferson
Phoenix, AZ 85003

The Clerk's guidelines for filing by mail can be found at:
[Civil and Tax Filing | Maricopa County Clerk of Superior Court](#)

If you are not represented by a lawyer you must contact this Division immediately and give us a current address, telephone number, and email address. If your address, phone number, or email address changes in the future, you must file a notice of change of address/phone number/email address. That form can be downloaded at no charge from the following website:

https://superiorcourt.maricopa.gov/llrc/fc_gn9/