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State Dar Number 3354
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3 Phoenix, Arizona 85007
4 Attorney for Defendant
Arizona State Personnel Board
5

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 SCOTT M. MCNAIR,)

9 Plaintiff,)

10 v.)

11 MARICOPA COUNTY DEPARTMENT)

12 OF TRANSPORTATION, STATE OF)

13 ARIZONA PERSONNEL BOARD,)

14 KENNETH MEDLIN,)

15 TERRY PETERSON,)

JENNIPHER RAMSEY,)

16 Defendants.)

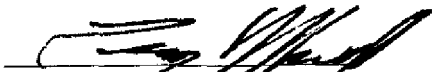
NO: LC 2003-000539-00 I

RESPONSE TO MOTION FOR
TRAIL DE NOVO AND TRIAL
BY JURY

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18 The Defendant, Arizona State Personnel Board opposes the Motion
19 for Trial De Novo and the request for a jury trial. Under A.R.S. §12-910(c) a
20 trail de nova is not available since the hearing was tape recorded. Since the
21 trail was manually recorded, and is therefore, not a trail de novo, the review is
22 based on the record on appeal. Since the trail is on the record, no jury is
23 authorized under §12-910 A.R.S. or elsewhere in the statutes.
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25 Respectfully submitted this 28TH day of JULY, 2003.
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SUNDBERG & MOUSEL
Attorney for Defendant
Arizona State Personnel Board

Copy of the foregoing
mailed this 28th day of
JULY, 2003 to:

Honorable Michael D. Jones
Maricopa County Superior Court
201 West Jefferson
Phoenix, Arizona 85003

Scott M. McNair

Phoenix, Arizona 

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