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RICHARD M. ROMLEY  
MARICOPA COUNTY ATTORNEY

By: DANIEL R. BRENDEN  
Deputy County Attorney  
State Bar No, 016395  
MCAO Firm No. 00032000

DIVISION OF COUNTY COUNSEL  
Security Center Building  
222 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004-2206  
Telephone (602) 506-8541

Attorneys for Defendant Maricopa County

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

SCOTT M. MCNAIR,  
  
Plaintiff,  
  
v.  
  
MARICOPA COUNTY DEPARTMENT  
OF TRANSPORTATION; STATE OF  
ARIZONA PERSONNEL BOARD;  
KENNETH MEDLIN; TERRY  
PETERSON; JENNIPHER RAMSEY,  
  
Defendants.

NO. LC 2003-000530-002-DT  
  
**SEPARATE MOTION AND ORDER  
TO DIRECT PLAINTIFF'S  
COMMUNICATIONS TO  
DEFENDANTS' COUNSEL**

(Assigned to the Honorable  
Michael D. Jones)

Defendants Maricopa County Department of Transportation (MCDOT),  
Kenneth Medlin, Terry Peterson and Jennipher Ramsey, by their counsel, hereby  
motion the court to prohibit Plaintiff from communicating with Defendants Medlin,

1 Peterson and Ramsey. Undersigned counsel's previous attempts requesting  
2 Plaintiff to refrain from communicating with these Defendants have failed.  
3 Specifically, Plaintiff continues to send copies of all pleadings to these  
4 defendants.

5 Specifically the following has occurred:

6 On June 20, 2003, Maricopa County Attorney, Mr. Daniel R. Brenden, sent  
7 a letter to the Plaintiff advising him that all communications are to be sent to the  
8 undersigned and Plaintiff is not to copy the Defendants. (See Attachment 1.)

9 On July 22, 2003, Defendants Kenneth Medlin, Terry Peterson, and Ms.  
10 Jennipher Ramsey received a letter and pleadings directly from Plaintiff. (See  
11 Attachment 2.) In this letter, Plaintiff notified Mr. Kenneth Medlin, Mr. Terry  
12 Peterson and Ms. Jennipher Ramsey that future pleadings and communications  
13 would be sent directly to them.

14 On July 28, 2003, Plaintiff sent a further unauthorized communication to  
15 Defendants. (See Attachment 3.)

16 On August 1, 2003, Plaintiff sent yet another unauthorized communication  
17 to Defendants. (See Attachment 4.)

18 Defendants request this Court issue an order prohibiting Plaintiff from  
19 communicating with Defendants Medlin, Peterson and Ramsey since they are  
20 represented by counsel in this matter. There is no need for these Defendants to  
21  
22

1 receive copies of pleadings or other communications from Plaintiff. For the  
2 Court's convenience, an order is attached.

3 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of August 2003.



4 RICHARD M. ROMLEY  
5 MARICOPA COUNTY

6   
7 DANIEL R.  
8 Deputy County Attorney  
9 Attorney for Defendants

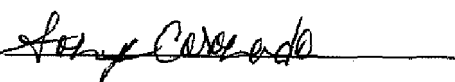
9 ORIGINAL of the foregoing FILED  
10 and copy HAND-DELIVERED this  
11 5 day of August 2003, to:

11 Honorable Michael D. Jones  
12 Judge of the Superior Court  
13 Central Court Building, Suite 10A  
14 201 West Jefferson Street  
15 Phoenix, Arizona 85003

14 and COPY mailed to:

15 Scott M. McNair  
16   
17 Phoenix, Arizona   
18 Plaintiff Pro Per

17 Craig Mousel, Esq.  
18 SUNDBERG & MOUSEL  
19 934 West McDowell Road  
20 Phoenix, Arizona 85007  
21 Counsel for Defendant State of  
22 Arizona Personnel Board

21 

# **ATTACHMENT 1**



OFFICE OF THE MARICOPA COUNTY ATTORNEY

  
COUNTY ATTORNEY



June 20, 2003

Mr. Scott McNair  


Phoenix, Arizona 

Re: Contact with Maricopa County Employees

Dear Mr. McNair:

This letter is to advise you that I represent Maricopa County and this currently includes any employees named in the Complaint, LC 2003-000539-001. In addition, this precludes your contact with managerial/supervisory without going through me. If you continue to contact any of the Defendants or any managerial/supervisory employees without my knowledge, I will have no choice but to report this matter to the Court. All communications are to be sent to me and do not copy the Defendants.

Very truly yours,

MARICOPA COUNTY ATTORNEY  
DIVISION OF COUNTY COUNSEL



Dan Brenden  
Deputy County Attorney

S:\COUNSEL\civillStaff\BREN\EN1EECC\McNair\Rep.Jtr 6-20.doc

# **ATTACHMENT 2**

**(copy of letter, pleadings not  
included in this attachment)**

Scott M. McNair

Phoenix, Arizona

July 22, 2003

Mr. Kenneth Medlin,  
Mr. Terry Peterson,  
& Ms. Jennipher Ramsey

C/O

Maricopa County Department of Transportation  
2901 West Durango  
Phoenix, Arizona 85009

To those addressed,

Enclosed you will find a number of motions recently filed with the Court concerning the civil action in which you are named (LC-2003-O00S39-001).

In addition to those filed on this date, you will also find the following motions that were previously filed but erroneously sent to the Office of the Maricopa County instead of directly to you:

- MOTION FOR TRIAL DE NOVO AND TRIAL BY JURY
- MOTION FOR DISCOVERY AND ADMISSION OF NEW AND ADDITIONAL EVIDENCE

**Due** to misleading statements by Mr. Daniel Brenden, your copies of those motions were sent to him rather than to each of you directly.

In order to rectify this, copies of such *are* being included for you to review and act upon

in accordance with Arizona Statute and the Arizona Rules of Civil Procedure, all *future* pleadings and other communications from me will be sent directly to you *until such time as you* have formally retained legal representation and they have file the required notices with the Court *and myself*.

Sincerely,

Scott M. McNair

P.S. Have a nice day.

# **ATTACHMENT 3**

**(cover page and mailing certificate)**

1 Scott M. McNair  
(Plaintiff, Pro Per)

2 [REDACTED]  
3 Phoenix, Arizona [REDACTED]

COPY

JUL 28 2003



4 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
5 **IN AND FOR THE COUNTY OF MARICOPA**

6 SCOTT M. MCNAIR  
7 Plaintiff

8 V.

9 MARICOPA COUNTY DEPARTMENT  
10 OF TRANSPORTATION, ET AL,  
11 Defendants

CASE No. LC2003-000539-001

**MOTION TO COMPEL SEPERATION  
OF PARTIES AND COUNSEL**

12  
13 **I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS**

14 In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he does  
15 hereby request leniency from the Court for the form and content of this pleading.

16 In accordance with JRAD ' Rule 13, the Plaintiff does hereby request that the Court waive and/or modify  
17 any formal procedural requirements in order to *insure McNair* due process and equitable justice, and to  
18 insure that a fair and just determination can be made

19  
20 **SCOPE OF MOTION**

21 The Plaintiff (McNair) does hereby move the Court to order the County of Maricopa and the State of  
22 *Arizona* (collectively, *State*) to *separate itself from* and *cease* providing legal representation for individual  
23 Defendants Kenneth Medlin, Terry Peterson, and Jennipher Ramsey (collectively, Offenders).

24  
25 **M. HISTORY & DISCUSSION**

26 The action now before the Court began as the result of a number of complaints filed by McNair on July  
27 17 of 2002 (Exhibit A) with Maricopa County against the i 'vi | Offenders (Medlin, Peterson, &  
28 Ramsey).

JRAD refers to the Arizona Rules of Procedure for Judicial Review of Administrative Decisions

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ORIGINAL and copy of the foregoing FILED this 28<sup>th</sup> day of JULY 2003 with:

*Clerk of the Court*  
Superior Court of Arizona, Maricopa County  
201 West Jefferson Street  
Phoenix, Arizona

COPIES of the foregoing mailed this 28<sup>th</sup> day of JULY 2003 to Defendants:

Sunberg & Mousel  
Attn: Craig Mousel  
934 West McDowell Road  
Phoenix, Arizona 85007  
(Counsel for Defendant,  
The State of Arizona Personnel Board)

Office of the Maricopa County Attorney  
Attn: Dan Brenden  
222 North Central Avenue, Suite 1 100  
Phoenix, Arizona 85004  
(Counsel for Defendants: Maricopa County &  
Maricopa County Department of Transportation)

Kenneth Medlin  
C/O  
Maricopa County Department of Transportation  
2901 W, Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per),

Terry Peterson  
C/O  
Maricopa County Department of Transportation  
2901 W, Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per)

Jennipher Ramsey  
C/O  
Maricopa County Department of Transportation  
2901 W. Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per)

By 

Scott M. McNair  
Plaintiff (Pro Per)

# **ATTACHMENT 4**

**(cover page and mailing certificate)**

1 Scott M. McNair  
(Plaintiff, Pro Per)

2 [REDACTED]  
3 Phoenix, Arizona 85016  
4 [REDACTED]

RECEIVED  
AUG - 4 2003  
MARICOPA COUNTY  
ATTORNEY'S OFFICE

COPY

AUG - 1 2003



MICHAEL K. JEANES, CLERK  
O. CARDENAS  
DEPUTY CLERK

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
6 **IN AND FOR THE COUNTY OF MARICOPA**

7 \_\_\_\_\_  
8 SCOTT M. MCNAIR  
Plaintiff

CASE No. LC2003-000539-001

9 V.

**REPLY TO MOTION FOR TRIAL DE  
NOVO AND TRIAL BY JURY**

10 MARICOPA COUNTY DEPARTMENT  
11 OF TRANSPORTATION, ET AL,  
12 Defendants  
13 \_\_\_\_\_

14 **I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS**

15 In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he doe  
16 hereby request leniency from the Court for the form and content of this pleading.

17 In accordance with J.R.A.D.<sup>1</sup> Rule 13, the Plaintiff does hereby request that the Court waive and/or  
18 and modify any formal procedural requirements in order to insure McNair due process and equitable justice,  
19 to insure that a fair and just determination can be made

20 **H. REPLY**

21 Plaintiff replies to the Defendants' responses to his motion for Trial de Novo and Trial by fury  
22 requesting that the Court grant both Plaintiffs motions. Plaintiff's request is based on the attached  
23 memorandum and points of authority.  
24


25 **III. MEMORANDUM AND POINTS OF AUTHORITY**

26 The action now before the Court is a Judicial Review of Administrative Decision of a decision from the  
27 State of Arizona Personnel Board. McNair's request for review was timely filed pursuant to Arizona  
28 Revised Statutes Title 12, Chapter 7, Article 6 on June 5<sup>th</sup> 2003.

\_\_\_\_\_  
J.R.A.D. refers to *the Arizona Rules of Civil Procedure for Judicial Review of Administrative Decisions.*

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RESPECTFULLY SUBMITTED this 1 day of AUGUST 2003.

By 

Scott M. McNair  
Plaintiff (Pro Per)

ORIGINAL and copy of the foregoing FILED this 1 day of AUGUST 2003 with;

Clerk of the Court  
Superior Court of Arizona, Maricopa County  
201 West Jefferson Street  
Phoenix, Arizona

ii

COPIES of the foregoing mailed this 1 day of AUGUST 2003 to Defendants:

Sunberg & Mousel  
Attn: Craig Mousel  
934 West McDowell Road  
Phoenix, Arizona 85007  
(Counsel for Defendant,  
The State of Arizona Personnel Board)

Kenneth Medlin  
C/O  
Maricopa County Department of Transportation  
2901 W. Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per)

Office of the Maricopa County Attorney  
Attn: Dan Brenden  
222 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004  
(Counsel for Defendants: Maricopa County &  
Maricopa County Department of Transportation)

Terry Peterson  
CIO  
Maricopa County Department of Transportation  
2901 W. Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per)

Jennifer Ramsey  
CIO  
Maricopa County Department of Transportation  
2901 W. Durango  
Phoenix, Arizona 85009  
(Defendant Pro Per)

By 

Scott M. McNair  
Plaintiff (Pro Per)

1

2 RICHARD M. ROMLEY  
MARICOPA COUNTY ATTORNEY

3

4 By: DANIEL R. BRENDEN  
Deputy County Attorney  
State Bar No. 016395  
5 MCAO Firm No. 00032000

6 DIVISION OF COUNTY COUNSEL  
Security Center Building  
7 222 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004-2206  
8 Telephone (602) 506-8541

9 Attorneys for Defendant Maricopa County

10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

11 IN AND FOR THE COUNTY OF MARICOPA

12 SCOTT M. MCNAIR,

13 Plaintiff,

14 v.

15 MARICOPA COUNTY DEPARTMENT  
OF TRANSPORTATION; STATE OF  
16 ARIZONA PERSONNEL BOARD;  
KENNETH MEDLIN; TERRY  
17 PETERSON; JENNIPHER RAMSEY,

18 Defendants.

NO. LC 2003-000530-002-DT

**ORDER**

(Assigned to the Honorable  
Michael D. Jones)

19 The Court having read the Separate Motion to Direct Plaintiff's

20 Communications to Defendants' Counsel and good cause appearing;

21 IT IS HEREBY ORDERED granting Defendants Maricopa County Department of

22 Transportation's, Kenneth Medlin's, Terry. Petterson's and Jennipher Ramsey's

1 Separate Motion to Direct Plaintiff's Communications to Defendants;

2 IT IS FURTHER ORDERED that Plaintiff will cease from communicating  
3 with Defendants Medlin, Peterson and Ramsey and Plaintiff's communications be  
4 sent to Defendants' counsel.

5 DONE IN OPEN COURT this day of 2003.

6

7

Honorable Michael D. Jones  
Judge of the Superior Court

8 ORIGINAL and THREE COPIES of  
9 the foregoing LODGED this \_\_\_\_\_  
10 day of August 2003, with:

10 Honorable Michael D. Jones  
11 Judge of the Superior Court  
12 Central Court Building, Suite 10A  
201 West Jefferson Street  
Phoenix, Arizona 85003

13 and COPIES mailed by the Court to:

14 Daniel R. Brenden  
15 Deputy County Attorney  
222 North Central Avenue, Suite 1100  
Phoenix, Arizona 85004-2206  
16 Attorneys for Defendants

17 Scott M. McNair

18 Phoenix, Arizona [REDACTED]  
19 Plaintiff Pro Per

20 Craig Mousel, Esq.  
21 SUNDBERG & MOUSEL  
934 West McDowell Road  
Phoenix, Arizona 85007  
22 Attorney for Defendant State of  
Arizona Personnel Board

