

RCV 8/9/2003

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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 RESPONSE TO DENY
MOTION FOR DEFAULT
JUDGMENT BY DEFENDANTS
MARICOPA COUNTY DEPARTMENT
OF TRANSPORTATION, MEDLIN,
PETERSON, AND RAMSEY**

(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

1 responds to Plaintiffs Motion for Default Judgment and requests that this Court
2 deny Plaintiffs motion.

3 **PLAINTIFF IS NOT ENTITLED TO A DEFAULT JUDGMENT.**

4 Defendants Maricopa County Department of Transportation, Kenneth
5 Medlin, Terry Peterson and Jennipher Ramsey filed an answer to Plaintiffs
6 complaint in a timely manner.

7 Pursuant to A.R.S. § 12-907, Defendants are provided 20 days after
8 service of the summons and complaint to answer the complaint.

9 On June 16, 2003, Maricopa County Sheriff's Office received summons to
10 serve on Defendants: Terry Peterson, Kenneth Medlin, Jennipher Ramsey and
11 Maricopa County Department of Transportation.

12 On June 19, 2003 Maricopa County Sheriffs Office served summons for
13 said Defendants by delivering said summons on M. Sullivan, Office of County
14 Counsel authorized to accept service of process. (See Attachment 1.)

15 On July 9, 2003, Defendants filed its answer to Plaintiff's complaint, which
16 was the 20th day after service of process.

17 Defendants filed its answer to Plaintiff's complaint within the 20 day period
18 allowed by law.

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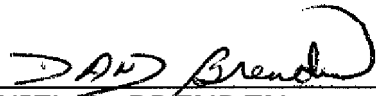
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1 Defendants therefore respectfully request that this Court deny Plaintiff's
2 motion since Plaintiff is not entitled to a default judgment.

3 RESPECTFULLY SUBMITTED this _____ day of August 2003.



4 RICHARD M. ROMLEY
MARICOPA COUNTY ATTORNEY

5
6 BY: 
7 DANIEL R. BRENDEN
8 Deputy County Attorney
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
201 West Jefferson Street
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
Attorney for Defendant State of
Arizona Personnel Board

21 

22

ATTACHMENT 1



MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
102 West Madison Street
Phoenix, Arizona 85003-2292



SCOTT T MCNAIR
vs_
TERRY PETERSON

STATE OF ARIZONA)
County of Maricopa) ss.

Case # I,C2003000539001
Docket # C0183454

I HEREBY CERTIFY THAT I RECEIVED THE WITHIN EUMNONE ON THE 16TH DAY OF JUNE A.D. 2003 AT THE HOUR OF 11:30 A.M., AND SERVED THE SAME ON THE 19TH DAY OF JUNE A.D. 2003 ON TERRY PETERSON BEING SAID DEFENDANT(S) NAMED IN SAID SUMMONS ES DELIVERING TO M. SULLIVAN, OFFICE OF COUNTY COUNSEL, ALIHO IZEU TO ACCEPT SERVICE, AT 201 WEST JEFFERSON, PHOENIX, ARIZONA AT 10:15 AM. IN THE COUNTY OF MARICOPA, A COPY OF SAID SUMMONS WHICH WAS ATTACHED A TRUE COPY OF THE COMPLAINT MENTIONED IN SAID SUMMONS.

DATED THIS 19TH DAY OF JUNE A.D. 2003.

Fees - Service16.00

miles travel Plus . Any .

TOTAL.....\$ 16.00

Joseph M. Arpaio
Maricopa County Sheriff

By [Signature]

J. LUSSON, #5061.3, Deputy Sheriff



MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
102 West Madison Street
Phoenix, Arizona 55403-2292



SCOTT W MCNAIR
vs.
JENNIPHER RAMSEY

STATE OF ARIZONA)
) ss.
County of Maricopa

Case L02003000.539001
Docket # C0183450

I HEREBY CERTIFY THAT I RECEIVED THE WITHIN SUMMONS ON THE 16TH DAY OF JUNE A.D. 2003 AT THE HOUR OF 11:29 A.M., AND SERVED THE SAME ON THE 19TH DAY OF JUNE A.D. 2003 ON JENNIPHER RAMSEY BEING SAID DEFENDANTS) NAMED IN SAID SUMMONS BY DELIVERING TO M. SULLIVAN, OFFICE OF COUNTY COUNSEL, AUTHORIZED TO ACCEPT SERVICE AT 201 WEST JEFFERSON, PHOENIX, ARIZONA AT 10:15 AM. IN THE COUNTY OF MARICOPA, A COPY nF SATn qummore TO WHICH WAS ATTACHED A TRUE COPY OF THE COMPLAINT MENTIONED IN SAID SUMMONS.

DATED THIS 19TH DAY OF JUNE A.D. 2003.

Fees - Service.....\$ 16.00
7 miles traveled one way.. 16.00
TOTAL.....\$ 32.00

Joseph M. Arpaio
Maricopa County Sheriff

By _____
J. LUSSON, 450613, Deputy Sheriff



MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
102 West Madison Street
Phoenix, Arizona 85003-2292



SCOTT MCNAIR
vs.
MARICOPA COUNTY DEPARTMENT OF

STATE OF ARIZONA }
County of Maricopa } De.

Case # LC2003000539001
Docket * C0153452

I HEREBY CERTIFY 'IHA1' I RECEIVED THE WITHIN SUMMONS ON M 16TH DAY OF JUNE A.D. 2003 AT THE HOUR OF 11:29 A.M., AND SERVED THE SAME ON THE 19TH DAY OF JUNE A.D. 2003 ON MARICOPA COUNTY OF TRANSPORTATION BEING SAID DEFENDANT(S) NAMED IN SAID SUMMONS BY DELIVERING TO M. SULLIVAN, OFFICE OF COUNTY COUNSEL, AUTHORIZED TO ACCEPT SERVICE, AT 201 WEST JEFFERSON, PHOENIX, ARIZONA AT 10:15 AM. IN THE COUNTY OF MARICOPA, A COPY OF SAID SUMMONS TO WHICH WAS ATTACHED A TRUE COPY OF THE COMPLAINT MENTIONED IN SAID SUMMONS.

DATE THIS 19TH DAY OF JUNE A.D. 2003.

Fees - Service\$ 15.00

miles traveled one way..

TOTAL..... 16.00

Joseph M. Arpaio
Maricopa County Sheriff

By
J. LUSSOW, #S0613, Deputy Sheriff