

1 Scott M. McNair
(Plaintiff, Pro Per)

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

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 DT

**PLAINTIFF’S AFFIDAVIT FOR CHANGE
OF JUDGE**

(Assigned to the Honorable Michael D. Jones)

12
13 STATE OF ARIZONA)

14) ss.

15 County of Maricopa)

16
17 SCOTT MCNAIR, being first duly sworn, upon oath deposes and says that:

- 18 1. He is the PLAINTIFF in the above-entitled action and files this affidavit in support of his
- 19 demand for a “*Change of Judge*” in accordance with A.R.S. § 12-409
- 20 2. That he wishes a “*Change of Judge*” from the current Judge (Honorable Michael D. Jones).
- 21 3. That he has cause to believe, and does believe, that on account of the bias, prejudice, or interest of
- 22 the judge he cannot obtain a fair and impartial trial.
- 23 4. That his belief of such is based upon but not limited to the following:
 - 24 A. Having been notified that Defendant, State of Arizona Personnel Board, was in willful and
 - 25 deliberate violation of the lawful procedural requirements of this action, Judge Jones failed
 - 26 to take appropriate action to require the Defendant into compliance.

1 B. Having been notified that Defendants, Maricopa County Department of Transportation,
2 Medlin, Peterson, and Ramsey were in willful and deliberate violation of the lawful
3 procedural requirements of this action, Judge Jones failed to take appropriate action to
4 require the Defendants into compliance.

5 C. Having been notified that Counsel (Daniel Brenden) for Defendants Maricopa County
6 Department of Transportation (et. al.) is barred by law from representing such, Judge Jones
7 has continued to allow this unlawful activity to continue in the proceedings before him.

8 D. That Judge Jones has failed to act upon pleadings and proceedings in a timely manner, as
9 required by law and requested by the Plaintiff.

10 E. That Judge Jones has acted in a manner towards the Plaintiff that is contrary to law,
11 arbitrary and capricious, and an abuse of discretion.

12 5. For reasons contained herein but not limited to such, the Plaintiff believes that he cannot obtain a fair
13 and impartial trial from Judge Michael D. Jones.

14
15
16 DATED this 23RD day of NOVEMBER 2003.

17
18 By _____

19 Scott M. McNair, Plaintiff Pro Per

20
21 SUBSCRIBED AND SWORN to before me this 23rd day of NOVEMBER 2003.

22
23 My commission expires: _____

24 Notary Public