

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

**NOTICE OF INABILITY TO COMPLY
WITH ORDER OF SERVICE**

(Assigned to the Honorable Michael D. Jones)

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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
15 does hereby request leniency from the Court for the form and content of this pleading.

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

19 **II. DISCUSSION**

20 On September 22 2003, a pretrial conference of this matter was held before the Hon. Michael D.
21 Jones. At that time it was discovered that Judge Jones had not received copies of McNair's pleadings,
22 though they had been filed with the Clerk of the Court.

23 At that time, Judge Jones ordered McNair to deliver a copy of all pleadings (past and future) to his
24 "fourth floor inbox". Since that time McNair has diligently complied with Judge Jones order for service
25 of pleadings in this matter.

¹ J.R.A.D. refers to the *Arizona Rules of Civil Procedure for Judicial Review of Administrative Decisions*.

1 On February 11 2004, McNair filed a request for a court reported to be present at the February 18
2 2004 pretrial conference.

3 After filing a copy with the Clerk of the Court, McNair attempted to comply with Judge Jones' order
4 by delivering a copy to his "fourth floor inbox", but was denied access to such by a court administrator
5 (See attached affidavit).

6 This is to notify the Court that due to the denial of access by the department of Court
7 Administration, McNair is unable to comply with Judge Jones' order that he deliver a copy of all
8 pleadings to his "fourth floor inbox", and therefore seeks instruction from the Court on how he is to
9 proceed in the future.

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11
12 DATED this 10th day of MARCH 2004.

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14 By _____

15 Scott M. McNair, Plaintiff Pro Per
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1 FILED and delivered this 10th day of MARCH 2004.

2 .
3
4 By _____

5 Scott M. McNair, Plaintiff Pro Per
6

7 ORIGINAL of the foregoing FILED with:

8 Clerk of the Court
9 Superior Court of Arizona, Maricopa County
10 201 West Jefferson Street
11 Phoenix, Arizona 85003

12 COPY of the foregoing HAND DELIVERED to:

13 Honorable Michael D. Jones
14 Maricopa County Superior Court
15 201 West Jefferson
16 Phoenix, Arizona 85003

17 COPIES of the foregoing MAILED to Defendants:

18 Sunberg & Mousel
19 Attn: Craig Mousel
20 934 West McDowell Road
21 Phoenix, Arizona 85007
22 (Counsel for Defendant, The State of Arizona Personnel Board)

23 Office of the Maricopa County Attorney
24 Attn: Dan Brenden
25 222 North Central Avenue, Suite 1100
26 Phoenix, Arizona 85004

27 (Counsel for Defendants: Maricopa County, Maricopa County Department of Transportation,
Medlin, Peterson, & Ramsey)