

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

CASE No. LC2003-000539-001 DT

8 V.

**PLAINTIFF’S AFFIDAVIT IN SUPPORT
OF NOTICE OF INACCESSIBLE RECORD**

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

(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 “NOTICE OF INACCESSIBILITY OF COURT RECORDS TO PLAINTIFF”.
- 20 2. That on November 21 2003, McNair did visit the office of the Clerk of the Court for the Maricopa
21 County Superior Court of Arizona at 601 West Jefferson, Phoenix Arizona, with the intent to review
22 the case record/file of this case in compliance with the order of the Hon. Michael D. Jones, dated
23 September 22 2003.
- 24 3. That on November 21 2003, an unnamed employee of the Clerk’s office informed McNair that the
25 file was “unavailable” because it had been “checked out”.
- 26 4. That McNair did inquire with the employee as to: a) whom had “checked it out”, b) when it had
27 been “checked out”, and c) when it would be returned.

- 1 5. That the employee: a) refused to divulge the name of the person that had “checked out” the file, b)
- 2 refused to divulge the current location of the file, and, c) could not provided any means to determine
- 3 how long the file would be unavailable or when the file would be returned.
- 4 6. That the employee stated it was “against court policy” to provide this information to McNair.
- 5 7. That during this conversation with the employee, McNair repeatedly informed the employee that he
- 6 was the Plaintiff in this case and that he was under order by the Court to review this file in person.
- 7 8. That during this conversation McNair offered the employee a copy of the order by Hon. Michael D.
- 8 Jones instructing McNair to review the file at the Clerk’s office.
- 9 9. That McNair did ask the employee for their **full name**, and that the employee **refused to provide**
- 10 **their full name**, claiming it was “against county policy” to divulge such.
- 11 10. After this exchange, McNair then left the Clerk of the Court’s office.

12
13 DATED and SWORN this 10th day of MARCH 2004.

14
15 By _____

16 Scott M. McNair, Plaintiff Pro Per

17
18 SUBSCRIBED AND SWORN to before me this 10th day of MARCH 2004

19
20 My commission expires: _____

21 Notary Public