

DOYLE LAW GROUP

5010 East Shea Blvd., Suite A-106
Scottsdale, Arizona 85254
Telephone: 602-494-0556
Facsimile: 602-494-0621

John C. Doyle, Esq. (Bar No. 010602)
Jonathan L. Sullivan, Esq. (Bar No. 026619)
Attorneys for Plaintiffs

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

REBECCA BEASLEY, individually as the
surviving spouse of ORVILLE THOMAS)
BEASLEY III, and as personal representative)
of the ESTATE OF ORVILLE THOMAS)
BEASLEY III; and ORVILLE THOMAS)
II and ANNA ELIZABETH BEASLEY,)
husband and wife, and parents of ORVILLE)
THOMAS BEASLEY III.)

Plaintiffs,)

v.)

JOHN C. STUART and JANE DOE)
STUART, a married couple; JOHN and)
JANE DOES I-V; BLACK & WHITE)
CORPORATIONS VI-X; and ABC)
PARTNERSHIPS XI-XV;)

Defendants.)

CASE NO. CV2010-050624

**PLAINTIFFS' RESPONSE TO
DEFENDANT'S MOTIONS & MOTION
TO COMPEL**

(Tort: Non-Motor Vehicle)

(Assigned to the Honorable Linda Miles)

Plaintiffs Rebecca Beasley, the Estate of Orville Thomas Beasley III, and Orville Thomas II
and Anna Elizabeth Beasley, by and through undersigned counsel, respond to the three Motions of
Judicial Notice filed by Defendant on June 4, 2010 and request the Court deny all of Defendant's
requests contained within the Motions as no evidence has been presented to support Defendant's
statements. Additionally, Plaintiff is seeking a Motion to Compel based on Defendant's refusal to
comply with Plaintiff's Notice of Defendant's Deposition.

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1 **I. Introduction.**

2 Defendant's three most recent filings all suffer from the same deficiency, they all lack an
3 evidentiary basis. Defendant's Motions contain a large amount of self-serving statements without
4 reference to any evidence that supports Defendant's conclusions. Because the Motions are not
5 supported by the record in this case the Court should deny Defendant's Motions. Further,
6 Defendant's Motions are repetitive, confusing, and contradictory, and Plaintiffs request that the
7 Court schedule a status conference in order to clarify the record in this case.
8

9 **II. Plaintiffs' Response To Defendant's Three Most Recent Motions.**

10 **A. Issues Raised In Defendant's Motion: Abridged List Of The Violations of The ABA
11 Cannons Of Ethics By Attorney John C. Doyle.**

12 Defendant's Motion raises several issues without evidentiary support, including:

- 13 1) Allegations of a third party complaint against attorney John Doyle;
- 14 2) A list of "Incontrovertible Material Facts"; and
- 15 3) Counterclaims against Plaintiffs.

16 Defendant's allegations and statements are supported only by Defendant's own assumptions. The
17 Motion does not provide the basis for Defendant's conclusion. There is no way to determine to
18 validity of Defendant's allegations as there are no documents or testimony to support Defendant's
19 pronouncements. Because there is no evidence supporting Defendant's positions Plaintiffs request
20 the Court deny Defendant's Motion. Additionally, as pointed out in Plaintiffs' previous motions,
21 Defendant can not simultaneously seek a motion to dismiss for lack of personal jurisdiction and at
22 the same time seek recovery in this Court.
23

24 **B. Plaintiffs' Motion To Compel & Response To Issues Raised In Defendant's Motion:
25 "Of Possible Third Attempt By Attorney John C. Doyle To Harm Defendant and/or
26 Trick Defendant..."**

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1. Motion To Compel.

1 Plaintiffs filed a Notice of Deposition for Defendant on May 26, 2010. (*See* Exhibit 1). In
2 response to Plaintiff setting Defendant's deposition, Defendant, in his Motion, states that he will
3 not attend his scheduled deposition until Plaintiffs and the Court meet Defendant's unreasonable
4 demands. Defendant has not cited to any law or legal authority that requires the Court or Plaintiffs
5 to submit to Defendant's unreasonable demands before a deposition can take place. Thus,
6 Defendant's refusal to attend a deposition is inappropriate and not supported by law. As a result,
7 Plaintiff requests the Court enter a Motion to Compel Defendant to attend his deposition. A
8 corresponding order has been simultaneously filed with the Motion.
9

10 **2. Response To Defendant's Motion "Of Possible Third Attempt By Attorney**
11 **John C. Doyle To Harm Defendant and/or Trick Defendant..."**

12 Defendant's Motion states several claims against Plaintiff's attorney John Doyle. But
13 Defendant has not provided any evidence that Doyle has harmed or will harm Defendant. As a
14 result, the portions of Defendant's motion that deals with asserting claims against Doyle are
15 unsupported by fact and should be denied.

16 **C. Plaintiffs' Response To Issues Raised In Defendant's Motion: "Submitted For**
17 **Clarification and In the Interest of Justice..."**

18 Defendant's Motion lists a series of "Incontrovertible Material Facts" that are not supported
19 by evidence. Within the list of "Incontrovertible Material Facts" Defendant provides nothing but
20 undocumented assumptions; including the allegation that Plaintiffs were attempting to kidnap
21 Defendant. Defendant's allegation of kidnapping is ludicrous as there is no evidence to support
22 such a claim. Because Defendant can not factually support his claim of kidnapping any citation to
23 Arizona's law based on a finding of kidnapping is inapplicable.
24

25 Defendant also claims he was not properly served in this matter. This statement is incorrect
26 as Plaintiff used a process server to properly deliver court documents to Defendant. (See Exhibit
2).

1 Additionally, Defendant's Motion attempts to assert third-party complaints against Doyle
2 and the Phoenix Police Department. As mentioned before, Defendant's attempt to have this case
3 dismissed and at the same time enforce jurisdiction over third-parties can not be reconciled;
4 Defendant can do one or the other but not both. As a result, Defendant's allegations to dismiss this
5 case should be denied and the Court should require Defendant to properly file third-party
6 complaints.

7 Defendant also argues that his due process rights were violated. However, Defendant does
8 not list what due process rights were violated or what evidence would support such a finding.
9 Because Defendant's claims lack specificity the Court should deny Defendant's due process
10 claims.
11

12 Defendant has made several arguments to which Plaintiffs are unaware of their legal
13 validity. Some of Defendant's arguments to dismiss this case are of an unknown origin. For
14 instance, Defendant claims that Plaintiffs need to state whether this case involves JOHN STUART
15 or John Stuart, Arizona the landmass or Arizona the business entity, or concede that Mr. Stuart is
16 domiciled in Heaven and not in Arizona. Plaintiffs will not respond to such arguments unless the
17 Court deems them legally appropriate or valid, but until such time Plaintiffs reserve the right to
18 respond.
19

20 Because Defendant's Motion is based on conjecture and presents no evidence to support his
21 claims the Motion should be denied.
22

23 **IV. Conclusion.**

24 Since Defendant's last three Motions have been void of evidence to support Defendant's
25 conclusions the Court should deny the Motions. Moreover, because Defendant's Motions have
26 become repetitive, redundant, and confusing, Plaintiffs request that the Court holding a status
conference in order to discuss the current posture in this case.

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RESPECTFULLY SUBMITTED this 16th day of June, 2010.

DOYLE LAW GROUP

/s/ Jonathan L. Sullivan
John C. Doyle
Jonathan L. Sullivan
5010 E. Shea Blvd. Suite A 106
Scottsdale, Arizona 85254
Attorneys for Plaintiffs

ORIGINAL of the foregoing electronically filed this 16th day of June, 2010 with:

Clerk of Court
Maricopa Superior Court
Northeast Regional Center
18380 N. 40th Street
Phoenix, AZ 85032

COPY of the foregoing distributed by electronic filing this 16th day of June, 2010 to:

The Honorable Linda Miles
Maricopa Superior Court
Northeast Regional Center
18380 N. 40th Street
Phoenix, AZ 85032

COPY of the foregoing mailed this 16th day of June to:

John Stuart, Pro per
10407 W. Trumbull Road
Tolleson, Arizona 85353

By: /s/ Jonathan Sullivan