

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-050624

07/07/2010

HONORABLE LINDA H. MILES

CLERK OF THE COURT  
L. Crawford  
Deputy

REBECCA BEASLEY, et al.

JOHN C DOYLE

v.

JOHN C STUART

JOHN C STUART  
10407 W TRUMBULL RD  
TOLLESON AZ 85353

MINUTE ENTRY

The Court has received and considered the following:

1. Plaintiffs' Motion for Clarification, filed April 12, 2010;
2. Defendant's Answer and/or Response to Plaintiff's Motion for Clarification, filed April 22, 2010;
3. Plaintiffs' Reply in Support of Motion for Clarification, filed April 29, 2010.
4. Defendant's document entitled "Judicial Notice – Submitted for Clarification and in the Interest of Justice to Assist this Court and Plaintiff in Understanding; this Court May Consider this an Answer and/or Response to Plaintiff's Reply in Support of Motion for Clarification," filed May 11, 2010.
5. Plaintiffs' Response to Defendant's Judicial Notice and Other Pleadings, filed May 21, 2010; and
6. Defendant's document entitled "Judicial Notice – Submitted for Clarification and in the Interest of Justice to Assist this Court and Plaintiff in Understanding; this Court May Consider this an Answer and/or Response to Plaintiff's Reply in Support of Motion for Clarification," filed June 4, 2010.

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IT IS ORDERED granting Plaintiffs' Motion for Clarification. In their Motion, Plaintiffs request that the Court clarify whether Defendant's document, filed on March 31, 2010, is considered an Answer to the Complaint, a Motion to Dismiss, or something else. Defendant's March 31, 2010 document is entitled "Answer and/or Response to Plaintiff's Baseless, Frivolous, and Unlawful Complaint Submitted Under Duress and *Vi Et Armis* and not Granting Jurisdiction Defendant is only Appearing Specially and not Generally." Although the title of the document suggests that it is an Answer to the Complaint, the substantive provisions suggest otherwise. Having reviewed the entire document, the Court interprets it as a Motion to Dismiss pursuant to Rule 12(b)(2) (lack of personal jurisdiction), Rule 12(b)(6) (failure to state a claim) and Rule 12(b)(7) (failure to join an indispensable party), Ariz.R.Civ.P. Having interpreted the document as seeking dismissal of the case, the Court hereinafter refers to the document as Defendant's "Motion to Dismiss."<sup>1</sup> Further, the Court interprets Plaintiff's May 21, 2010 Response to Defendant's Judicial Notice and Other Pleadings as Plaintiff's Response to Defendant's Motion to Dismiss. The Court further interprets Defendant's above referenced "Judicial Notice" documents as Defendant's Reply in support of his Motion to Dismiss.

The Court has considered Defendant's Motion to Dismiss, and the Response and Reply thereto. The Court notes that the Motion, Response and/or Reply present matters outside the pleadings, which are excluded by the Court pursuant to Rule 12(b)(6), Ariz.R.Civ.P.

IT IS ORDERED denying Defendant's Motion to Dismiss.

**IT IS FURTHER ORDERED that Defendant shall file an Answer to the Complaint on or before August 9, 2010. Failure to file an Answer may result in the entry of a default judgment.**

IT IS FURTHER ORDERED that to avoid confusion and/or misinterpretation of a document in the future, any further motion filed in this case shall be entitled "Motion [to/for] \_\_\_\_." Any response to a motion shall be entitled "Response to Motion [to/for] \_\_\_\_," and any reply shall be entitled "Reply in Support of Motion [to/for] \_\_\_\_." Further, the parties are advised that as to any further motion filed in this case, the Court will consider only the motion, response and reply. The Arizona Rules of Civil Procedure do not permit the filing of a "response" to a "reply," and any such "response" submitted will not be considered by the Court.

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<sup>1</sup> In interpreting the document as a Motion to Dismiss, the Court notes, in particular, Defendant's statements that he "does NOT consent to jurisdiction of this Court" and that the "Court MUST dismiss this case with prejudice" pursuant to Rule 12(b)(2), (6) and (7), Ariz.R.Civ.P. Motion to Dismiss at 2-3 (emphasis in original). In addition, in the prayer for relief, Defendant "moves this Court to dismiss with prejudice ALL of Plaintiff's claims . . ." Id. at 50 (emphasis in original).

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The Court also has received and considered the following:

1. Defendant's document entitled "Judicial Notice – Defendant Hereby Supplies to this Court an Abridged List of the Violations of the ABA Canons of Ethics by Attorney John C. Doyle," filed June 4, 2010;
2. Defendant's document entitled "Judicial Notice of Possible Third Attempt by Attorney John C. Doyle to Harm Defendant and/or Trick Defendant; Causing Defendant to be out of Order so Doyle May Again Cause Defendant to be Falsely Imprisoned," filed June 4, 2010;
3. Plaintiff's Response to Defendant's Motions and Motion to Compel, filed June 16, 2010;
4. Plaintiff's Request for Status Conference, filed June 16, 2010; and
5. Defendant's Motion for Continuance, filed June 30, 2010.

IT IS ORDERED denying the requests set forth in Defendant's "Judicial Notice" documents.

IT IS FURTHER ORDERED granting Plaintiff's Motion to Compel. Defendant shall appear for a deposition to be scheduled by Plaintiff's counsel within the next 60 days. In the interest of the safety and security of all concerned, the deposition shall be conducted at the Northeast Regional Court Center, 18380 N. 40<sup>th</sup> Street, Phoenix, Arizona 85032. **Before noticing the deposition, Plaintiff's counsel shall contact this Division's Judicial Assistant to arrange a specific date/time and courtroom/conference room for the taking of the deposition.**

IT IS FURTHER ORDERED denying Plaintiff's Request for Status Conference. If Defendant files an Answer to the Complaint, either party may request that the Court schedule a Rule 16 conference.

The Court having allowed Defendant more than 30 days to file an Answer to the Complaint,

IT IS FURTHER ORDERED denying Defendant's Motion for Continuance.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>