

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.

MOTION FOR CHANGE OF JUDGE

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

(Assigned to the Honorable Michael D. Jones)

12
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
20 **II. MEMORANDUM AND POINTS OF AUTHORITY**

21 For the reasons and points of authority set forth herein, the Plaintiff does hereby demand a “*Change*
22 *of Judge*” in the above named action.

23 The Plaintiff cites A.R.S. § 12-409 as authority for this demand, and asserts such as basis for the
24 Court to bar the Honorable Michael D. Jones from any further activity in the proceedings of this matter,
25 other than to order the immediate transfer of this case to another judge.

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

1 Citing A.R.S. § 12-409 (A) Change of judge; grounds; affidavit, which reads in part:

2 A. If either party to a civil action in a superior court files an affidavit alleging
3 any of the grounds specified in subsection B, the judge shall at once transfer
4 the action to another division of the court if there is more than one division,
5 or shall request a judge of the superior court of another county to preside at
6 the trial of the action.

7 Furthermore, A.R.S. § 12-409 (B) reads in part:

8 B. Grounds which may be alleged as provided in subsection A for change
9 of judge are:

10 5. That the party filing the affidavit has cause to believe and does
11 believe that on account of the bias, prejudice, or interest of the judge he
12 cannot obtain a fair and impartial trial.

13 As set forth in the accompanying affidavit, the Plaintiff has cause to believe, and does believe, that
14 on account of the bias, prejudice, or interest of the judge (Michael D. Jones), he cannot obtain a fair an
15 impartial trial before such.

16 III. CONCLUSION

17 Through the memorandum, points of authority, and attached affidavit, the Court is required by
18 statute to grant this motion, and thereby require the Honorable Michael D. Jones to immediately transfer
19 this case to another judge.

20 DATED this 24th day of NOVEMBER 2003.

21 By _____

22 Scott M. McNair, Plaintiff Pro Per

1 FILED and delivered this 24th day of NOVEMBER 2003.

2
3 By _____

4 Scott M. McNair, Plaintiff Pro Per

5
6 ORIGINAL of the foregoing FILED with:

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

10 COPY of the foregoing HAND DELIVERED to:

11 Honorable Michael D. Jones
12 Maricopa County Superior Court
13 201 West Jefferson
Phoenix, Arizona 85003

14
15 COPIES of the foregoing MAILED to Defendants:

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

19
20 Office of the Maricopa County Attorney
Attn: Dan Brenden
21 222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
22 (Counsel for Defendants: Maricopa County, Maricopa County Department of Transportation,
23 Medlin, Peterson, & Ramsey)
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