

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

**REQUEST FOR SIGNED RULINGS**

(Assigned to the Hon. 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.<sup>1</sup> 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 AND PROCEDURAL HISTORY**

20 On February 18 2004, a prehearing conference was held in this matter before the Hon. Michael D.  
21 Jones.

22 On that date, Judge Jones ruled on a number of motions previously submitted by McNair to the  
23 Court.

24 Subsequently, on February 20 2004 Judge Jones issued an unsigned memorandum concerning those  
25 rulings entitled "PREHEARING CONFERENCE" (See attached).

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

1 Of those motions ruled upon, was the Plaintiff's motion entitled "MOTION TO COMPEL  
2 WITHDRAWAL OF COUNSEL AND REQUEST FOR SANCTIONS". While Judge Jones verbally  
3 ruled upon this motion in open court, there was no mention of it in his unsigned memorandum.

4 As stated in the Arizona Appellate Handbook, "Any party may obtain and file a formal written  
5 judgment or order"<sup>2</sup>. Additionally, without a signed ruling from the court, the Plaintiff's right to appeal  
6 on that issue, or to include that issue in an appeal to the Arizona Court of Appeals, will be prohibited<sup>3</sup>.

### 7 III. CONCLUSION

8 In order to protect the Plaintiff's right to due process and appeal, the Court must:

- 9 1. Issue a properly memorialized and signed ruling,
- 10 2. Include rulings on all motions and issues considered, including the Plaintiff's, "MOTION  
11 TO COMPEL WITHDRAWAL OF COUNSEL AND REQUEST FOR SANCTIONS".

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13  
14 DATED this 10<sup>th</sup> day of MARCH 2004.

15  
16 By \_\_\_\_\_

17 Scott M. McNair, Plaintiff Pro Per

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<sup>2</sup> See Howard P. Foley Co. v. Harris, 4 Ariz. App. 294, 296, 419 P.2d 735,737 (1966)

<sup>3</sup> See Pima County V. Testin, 173 Ariz. 117, 118, 840 P.2d 293, 294 (App. 1992)

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FILED and delivered 10<sup>th</sup> day of MARCH 2004.

By \_\_\_\_\_

Scott M. McNair, Plaintiff Pro Per

ORIGINAL of the foregoing FILED with:

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

COPY of the foregoing HAND DELIVERED to:

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

COPIES of the foregoing MAILED to Defendants:

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

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

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

LC2003-000539-001 DT

02/18/2004

HONORABLE MICHAEL D. JONES

CLERK OF THE COURT  
P. M. Espinoza  
Deputy

FILED: 02/20/2004

SCOTT M MCNAIR

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2025 E CAMPBELL AVE #239  
PHOENIX AZ 85016

v.

MARICOPA COUNTY DEPARTMENT OF  
TRANSPORTATION (001)  
STATE OF ARIZONA PERSONNEL BOARD  
(001)  
KENNETH MEDLIN (001)  
TERRY PETERSON (001)  
JENNIPHER RAMSEY (001)

DANIEL R BRENDEN  
CRAIG L MOUSEL  
MARY COLLINS CRONIN

OFFICE OF ADMINISTRATIVE  
HEARINGS

PREHEARING CONFERENCE

This is the time set for Prehearing Conference re: Administrative Review. Plaintiff is present on his own behalf. Defendant Maricopa County Dept. of Transportation is represented by counsel, Daniel Brenden. Defendant State of Arizona Personnel Board is represented by counsel, Gary Sundberg for counsel, Craig Mousel.

Court reporter, Steve King, is present.

Informal discussion is held between Court and counsel.

Upon agreement of counsel, the following briefing schedule to file Memoranda is set:

Plaintiff's Opening Memorandum shall be due by March 31, 2004; Defendant's Responsive Memorandum shall be due by April 30, 2004; Plaintiff's Reply, if any, shall be due by May 14, 2004.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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02/18/2004

Upon further agreement of counsel, oral argument will be set after the memoranda due dates.

The Court rules on the following various motions submitted by the Plaintiff and placed of record:

Motion for Default Judgment filed July 23, 2003; **denied**.

Motion to Amend Complaint filed July 23, 2003; **granted** with leave for various defendants to file a motion to dismiss.

Motion to Compel Separation of Parties and Counsel filed July 28, 2003; **denied**.

Motion to Compel Compliance with Transfer of Record Requirements filed July 23, 2004; **denied**.

Motion for Trial *de novo* and Trial by Jury filed July 7, 2003 (Plaintiff's reply filed August 1, 2003); **denied**.

Motion for Discovery and Admission of New and Additional Evidence filed July 7, 2003; **denied** with leave to reurge if evidentiary hearing is granted in this case.

Motion for Reconsideration filed October 6, 2003; **denied**.

Matter concludes.

**LATER...**

IT IS ORDERED setting Oral Argument re: Administrative Review on **June 21, 2004 at 9:00 a.m.** before Judge Michael D. Jones, **201 W. Jefferson, CCB-Courtroom 401, Phoenix, AZ 85003.**

**Court Reporter**

This division does not have an assigned court reporter to record oral argument on requests for stays, prehearing conferences or oral argument in Administrative Review cases. Should you need a court reporter, you must request one in writing to this division at least five (5) days prior to the scheduled hearing.