

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

MOTION FOR CONTINUANCE

(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.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

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20 **II. PROCEDURAL HISTORY & DISCUSSION**

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

23 On that date, Judge Jones set a schedule for the filing of briefs in this matter, with the Plaintiff's
24 Opening Memorandum being due on March 31 2004.

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

1 During that same conference, it was disclosed to the court that the Plaintiff (McNair) has been
2 continually denied access to record of this case, and has been denied disclosure of the contents of certain
3 **sealed documents** contained in the record.

4 Subsequent to that conference, Judge Jones issued a memorandum (filed February 20, 2004) entitled
5 PREHEARING CONFERENCE. In that memorandum, Judge Jones stated that McNair would be
6 offered the opportunity to reurge for Discovery and Admission of New and Additional Evidence “*if*
7 *evidentiary hearing is granted in this case.*”

8 On this date, McNair has filed a Motion for Evidentiary Hearing, along with a formal notice and
9 supporting affidavit concerning his inability to gain access to the record and the exhibits in this case.

10 Since McNair’s Opening Memorandum must be based upon the record and the exhibits contained
11 therein, he is therefore inhibited from preparing the required memorandum until such time as the Court
12 takes decisive steps to enforce a proper disclosure of its contents and make such available to McNair.

13 Furthermore, since the granting of an Evidentiary Hearing would produce new and additional
14 evidence to be cited in McNair’s Memorandum, it would be prudent and just for the Court to delay the
15 scheduling of memorandum and oral argument.

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17 **III. CONCLUSION**

18 In the interest of justice and due process, the Court should delay the due dates of Opening and
19 Responsive Memorandum until a more appropriate date in the future.

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22 DATED this 10th day of MARCH 2004.

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24 By _____

25 Scott M. McNair, Plaintiff Pro Per
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FILED and this 10th 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
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(Counsel for Defendant, The State of Arizona Personnel Board)

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(Counsel for Defendants: Maricopa County, Maricopa County Department of Transportation,
Medlin, Peterson, & Ramsey)