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Scott M. McNair
Phoenix, Arizona

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

SCOTT M. MCNAIR
Plaintiff,

V.

County of Maricopa, et al,
Defendants,

No. CV-03-2119-PHX-NVW

**REPLY TO MOTION TO COMPEL
WITHDRAWAL OF COUNSEL DANIEL
BRENDEN AND REQUEST FOR SANCTIONS**

Assigned to the Hon. Neil V. Wake

I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS

In that the Plaintiff (McNair) is neither represented by counsel nor had any formal legal training, he does hereby request leniency from the Court for the form and content of this pleading, and does request the Court to waive and/or modify any formal procedural requirements in order to insure McNair due process and equitable justice, and to insure that a fair and just determination can be made. Moreover, as McNair is a pro se litigant and not an attorney, his pleadings must be considered without technicality. (*“Pro se litigants’ pleadings are not to be held to the same high standards of perfection as lawyers.”*¹)

¹ Haines V. Kerner, 92 S.Ct. 594; Jenkins V. McKeithen, 395 US 411, 421 (1969); Picking V. Penna. Rwy. Co. 151 F.2d 240; Puckett V. Cox, 456 F.2d 233.)

1 **II. MEMORANDUM AND POINTS OF AUTHORITY**

2 Daniel Brenden was informed *prior* to initiation of this action that he would be a witness in
3 this case.

4 Daniel Brenden ignored warnings by plaintiff that he would seek sanctions against Brenden
5 if he attempted to appear as counsel for any party in this action.

6 Daniel Brenden gives no reason for ignoring his duty to avoid this *unethical* situation.

7 Daniel Brenden has refused to abide by Arizona State Bar Ethic rules and voluntarily
8 withdraw.

9 Daniel Brenden's premeditated representation of parties in an action in which he knew he
10 would be called as a *primary and crucial witness* is a willful violation of the rules of conduct.

11 Daniel Brenden does not dispute that he willfully and deliberately violated these rules of
12 conduct and provides no legitimate explanation for his actions.

13 **III. CONCLUSION**

14 By deliberately defying the Rules of Professional Conduct, Brenden premeditatedly endangered
15 his clients and the Court should deal harshly with this brazen unethical act. In order to protect its
16 own integrity, this Court must now:

- 17 a. Order Brenden to immediately remove himself as counsel for *any and all* parties in
18 this matter,
- 19 b. Refer Brenden's blatant and premeditated violation of the Rules of Professional
20 Conduct to the State Bar of Arizona for review and disciplinary action,
- 21 c. Impose its own sanction upon Brenden for his deliberate attempt to compromise this
22 Court's integrity and honor.
- 23
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2 RESPECTFULLY SUBMITTED this 3rd day of OCTOBER 2005.

3
4 By _____

5 Scott M. McNair, Plaintiff Pro Se

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8 ORIGINAL and COPY FILED with:

9 Clerk of the Court
10 United States District Court
11 District of Arizona
12 Sandra Day O'Connor U.S. Courthouse
13 401 W. Washington Street, Suite 130
14 Phoenix, AZ 85003-2118

15 COPY of the forgoing HAND-DELIVERED to:

16 Office of the Maricopa County Attorney
17 Attn: Dan Brenden
18 222 North Central Avenue, Suite 1100
19 Phoenix, Arizona 85004
20 (Counsel for Defendants: Maricopa County, Medlin, Peterson, & Ramsey)

21 COPY of the forgoing MAILED to

22 Jones, Skelton & Hochuli, P.L.C.
23 Attn: Eileen Dennis GilBride
24 2901 N. Central Avenue, Suite 800,
Phoenix, Arizona 85012,