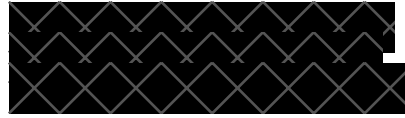




1 **WOODNICK LAW, PLLC**
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4 **Gregg R. Woodnick** 
5 **Kaci Y. Bowman,** 
6 *Attorney for Defendant*

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8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 In Re the Matter of:

11 **LAURA OWENS,**

12 Plaintiff,

13 v.

14 **GREGORY GILLESPIE,**

15 Defendant.
16

Case No.: CV2021-052893

**RESPONSE TO PLAINTIFF'S
MOTION TO MODIFY DATE OF
SERVICE**

(Assigned to the Hon. Alison Bachus)

17 Defendant GREGORY GILLESPIE, by and through undersigned counsel, hereby
18 responds and objects to Plaintiff's Motion to Modify Date of Service. This Response is
19 supported by the following:
20

21 1. Plaintiff misunderstands the duty of undersigned counsel and this Court with
22 respect to educating Plaintiff about the Arizona Rules of Civil Procedure and only serves to
23 highlight why the matter must be dismissed pursuant to the pending Rule 12(b)(6) Motion.
24

25 2. As a *pro per* litigant, Plaintiff is "entitled to no more consideration than if [she]
26 had been represented by counsel." *Smith v. Rabb*, 95 Ariz. 49, 53 (1963); *see also* Rule 11(b),
27 *Arizona Rules of Civil Procedure*.
28

1 3. Plaintiff misunderstands the Default process. Even if (*arguendo*) Plaintiff's
2 Application for Entry of Default had been granted (it was denied on October 7, 2021), Defendant
3 would have ten (10) days to file a response pursuant to Rule 55(a)(5), *Arizona Rules of Civil*
4 *Procedure*. Either way, Defendant's September 24 Motion to Dismiss was timely.
5

6 4. Plaintiff seems to think that initiating the Default process would allow her to
7 circumvent her burden to prove the facts in her Complaint (facts which are contrary to law and
8 predicated on fraud, as outlined in Defendant's September 24 Motion to Dismiss and October 6
9 Response to Plaintiff's Motion to Seal Court Records).
10

11 5. Plaintiff's relentless allegations are now aimed at undersigned's paralegal. To be
12 clear, Defendant prepared an Acceptance of Service and filed the same with the Court on August
13 23, 2021. That was timely. Inadvertently, the Acceptance of Service indicated Coconino County.
14 As soon as Defendant was notified of the administrative error, Defendant filed a proper
15 Acceptance of Service (Maricopa) on the August 27, 2021.
16

17 **WHEREFORE**, Defendant hereby respectfully requests the following:
18

- 19 A. That this Court deny Plaintiff's Motion to Modify Date of Service as there is no legal
20 cause;
21 B. That this Court grant such other and further relief as deemed appropriate.
22

23 **RESPECTFULLY SUBMITTED** this 22nd day of October 2021.
24

25 **WOODNICK LAW, PLLC**
26






27 _____
28 Gregg R. Woodnick
Kaci Y. Bowman
Attorneys for Defendant

1 **ORIGINAL** of the foregoing e-filed
2 This 22nd day of October 2021, with:

3 Clerk of Court
4 Maricopa County Superior Court

5
6 **COPY** of the foregoing document
7 e-mailed the same day to:

8 Honorable Alison Bachus
9 Maricopa County Superior Court

10 Laura Owens
11 
12 
13 

Plaintiff Pro Per

14 By: /s/Sara Seeburg

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