



*Pro Se*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In Re the Matter of:



Plaintiff,

Case No. CV2021-052893


vs.

GREGORY GILLESPIE,

**RESPONSE TO MOTION TO DISMISS**

Defendant,

\_\_\_\_\_ /

**COME NOW** Plaintiff, , and files this, her response to Defendant's Motion to Dismiss, and in support thereof states as follows:

1. On August 11, 2021, Plaintiff filed a Complaint against Defendant for domestic violence, abortion coercion, and intentional infliction of emotional distress.
2. On August 23, 2021, Defendant's counsel accepted service of the summons and Plaintiff's Complaint on behalf of the Defendant.
3. Thereafter, on September 24, 2021, Defendant, through counsel, filed his responsive pleading by way of a Motion to Dismiss.
4. Pursuant to Ariz. R. Civ. P. 12, a defendant must file and serve an answer or other responsive pleading within 20 days after being served with the summons and complaint. In this

case, Defendant did not serve a responsive pleading within 20 days, when he had ample time to do so. Furthermore, Defendant did not file a motion for leave to file its untimely Motion to Dismiss. Therefore, Defendant's Motion to Dismiss is untimely and should be denied.

5. Notwithstanding Plaintiff's argument for Defendant's untimely Motion to Dismiss, when a Court is evaluating a motion to dismiss for failure to state a claim, it must consider the complaint in its entirety. Defendant's Motion to Dismiss does not address the facts asserted in Plaintiff's Complaint but rather offers baseless and unsupported allegations that the Plaintiff committed fraud, when it is in fact the Plaintiff who has proof that the Defendant and Defendant's counsel have been engaged in fraudulent activity and menacing communications towards the Plaintiff since this lawsuit was initiated.

6. Defendant's Motion to Dismiss is improper in that it completely deviates from the four corners of the Complaint and attempts to use a Motion to Dismiss as a vehicle to threaten the Plaintiff with frivolous counterclaims and raise false allegations. Furthermore, the Defendant fails to state any deficiencies in the Plaintiff's viable claims and instead makes outrageous allegations that the Plaintiff was never pregnant when Plaintiff has offered medical proof and has attached said proof as an exhibit to the Complaint.

7. Contrary to Defendant's Motion to Dismiss, Plaintiff's Complaint is well plead in that it presents a detailed recitation of Plaintiffs' assertions, offers all relevant proof, and satisfies the pleading requirements.

**WHEREFORE**, Plaintiff respectfully requests that this Court denies Defendant's untimely Motion to Dismiss and grant such other relief as deemed appropriate.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished via the electronic portal system to all parties on this 1<sup>st</sup> day of October, 2021.

By: [REDACTED] \_\_\_\_\_

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Email: [REDACTED]