



Clerk of the Superior Court
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8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

Case No.: FC2023-052114

10 In Re the Matter of:
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 **Petitioner,**
15 **and**
16 **CLAYTON ECHARD,**
17 **Respondent.**

**PETITIONER'S RESPONSE TO
EXPEDITED MOTION TO EXTEND
DISMISSAL DATE ON INACTIVE
CALENDAR AND SCHEDULE AN
EVIDENTIARY HEARING**

(The Honorable Julie Mata)

18 Petitioner, LA [REDACTED] S, asks this Court to deny Respondent's December 13,
19 2023 Motion to Extend in its entirety. In his Motion, Respondent requests (1) a 60-day
20 continuance on the dismissal calendar; (2) a virtual evidentiary hearing on paternity/non-
21 paternity, attorney's fees, and Rule 26 sanctions; and (3) an award of attorney's fees and
22 costs pursuant to A.R.S. § 25-324. This Court should deny all Respondent's requests.

23 First and most importantly, Petitioner has concurrently filed a Motion to Dismiss
24 her Petition to Establish, filed August 1, 2023. In that Motion, Petitioner concedes that
25 she is no longer pregnant. Without minor children linking these unmarried parties, this
26 Court does not have jurisdiction to proceed in a paternity establishment matter.

27 Second, Respondent's Motion is premature. The dismissal calendar deadline is
not until February 2, 2024. It is not clear why Respondent—who adamantly denies he





1 impregnated Petitioner and has stated he wants nothing to do with her—is seeking to
2 ensure this case is not dismissed long before the dismissal deadline. But, in any event,
3 one unavoidable fact remains: Petitioner acknowledges that she is no longer pregnant with
4 Respondent’s child, meaning there is no paternity to establish. There is nothing left for
5 this Court to adjudicate, and this case should be dismissed.

6 Third, given Petitioner’s acknowledgment that she is no longer pregnant, the only
7 remaining issue is Respondent’s request for attorney’s fees—attorney’s fees that, upon
8 information and belief, he did not personally incur. Respondent’s request for Rule 26
9 sanctions against Petitioner is not viable, as Respondent did not satisfy any of Rule 26’s
10 prerequisite requirements. For instance, Respondent has attempted to shoehorn his
11 request for sanctions into his proposed Amended Response and his Motion to Extend,
12 even though Rule 26 clearly requires a motion for sanctions to “be made separately from
13 any other motion,” after a good faith consultation, which has not occurred. Ariz. R. Fam.
14 L. P. 26(c)(3)(A).

15 **WHEREFORE**, Petitioner asks this Court to deny Respondent’s Motion to
16 Extend. Petitioner is not now pregnant. This is no longer a paternity establishment case,
17 as there is no paternity to establish. This case is now moot, and for this reason
18 Petitioner seeks to voluntarily dismiss this case. Petitioner has concurrently filed a
19 Motion to Dismiss her case in full, and this Court should grant that motion and deny
20 Respondent’s request for an unnecessary hearing.

21 **RESPECTFULLY SUBMITTED** this 28th day of December 2023.

22 **MODERN LAW**

23
24 By: */s/ Alexis Lindvall*
25 Alexis Lindvall
26 *Attorney for Petitioner*
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