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6 *Attorneys for Plaintiffs*

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

9 CHERYL MARIE MCCOY, a married person  
filing individually; MARCIANNE JOHNSON, a  
10 married person filing individually; and MELISSA  
WILSON (SCOVEL), a married person filing  
11 individually,

12 Plaintiffs,

13 -vs-

14 BRIAN LINDSEY and JANE DOE LINDSEY,  
15 husband and wife, ASHLEY NARDECCHIA and  
JOE NARDECCHIA, wife and husband,  
16 WILLIAM TRAVIS and JANE DOE TRAVIS,  
17 husband and wife, CHRISTOPHER TARJEFT  
and JANE DOE TARJEFT, husband and wife,  
18 DONNA REISS and JOHN DOE REISS, wife  
and husband, DOUGLAS KEATS and JANE  
19 DOE KEATS, husband and wife, HENRY  
KARTAGENER and JANE DOE  
20 KARTAGENER, husband and wife, JENIFER  
ROSEBROUGH and JAMES ROSEBROUGH,  
21 wife and husband, JAMES SCHMIDT and  
SHIRLEY SCHMIDT, husband and wife, KEITH  
22 FABER and JANE DOE WATERS, partners,  
23 KEN HASSEN and JANE DOE HASSEN,  
24 husband and wife, LESLIE JOHNSON a single  
25 person, LYNDA SAVESKI and JOHN DOE  
SAVESKI, wife and husband, PERRI CHASE  
26 and JOHN DOE CHASE, wife and husband,  
SAMANTHA KELLEY and JOHN DOE  
27 KELLEY, wife and husband, SHARON  
28 MAIDEN and JOHN DOE MAIDEN, husband

No. CV2020-010557

**RESPONSE TO DEFENDANT  
TRAVIS' MOTION FOR A MORE  
DEFINITE STATEMENT**

(Assigned to The Hon. Andrew  
Russell)

1 and wife, STEVEN NIELSEN and JANE DOE  
2 NIELSEN, husband and wife, and JANE DOE  
and JOHN DOE 1-15.

3 Defendants

4 Plaintiffs, through their undersigned counsel, submit this Response to Defendant  
5 Travis' Motion for a More Definite Statement. Plaintiffs object to the Motion as it does not  
6 comply with ARCP 12(e) and is actually a discovery request discussed below.

7 **I. THE MOTION DOES NOT CONFINE ITSELF TO MATTERS PERMISSIBLE**  
8 **UNDER ARCP 12(e).**

9 Travis spends the first nearly three pages of his Motion discussing matters absolutely  
10 irrelevant to the request for a more definite statement and seemingly only serving to vent his  
11 spleen. After stating the rule and a string of cases with no analysis to the present request,  
12 Travis spends the next page plus arguing issues concerning two other Defendants having  
13 nothing to do with his request, but offered simply to further disparage Plaintiffs. Travis fails  
14 to acknowledge that both Defendants Kelley and Tarjeft responded to the Complaint with  
15 Motions to Dismiss without complaint that that the allegations concerning them were too  
16 vague or ambiguous.

17 In his actual requests for clarification, Travis first asks, "Defendant would like  
18 clarification on the name of the FOURTH Plaintiff." Motion 6:25-26. This facetious request  
19 is made to tweak Plaintiffs, or perhaps their attorneys, concerning a typo in paragraph 38 of  
20 the Complaint. Only three Plaintiffs were named; there is no fourth Plaintiff. Travis also  
21 contends that the term "post" is vague, yet he cites to posts alleged in the Complaint  
22 concerning other Defendants. *See* Motion 5:10-19. It more than stretches credulity to believe  
23 that Travis can discern what "posts" Plaintiffs were referencing regarding other Defendants  
24 but cannot discern which of his own posts are referenced in the Complaint.

25 The Court has previously found that Travis' "*ad hominem* accusations" against  
26 Plaintiffs and non sequitur arguments are not helpful. MEO dated 10/28/2020 and filed  
27 10/30/2020, page 3. Travis continues in the same vein here.

1 **II. DEFENDANT IS MAKING DISCOVERY REQUESTS UNDER THE GUISE OF**  
2 **ARCP 12(e).**

3 The thirteen times Travis asks “what is meant by ‘post’” are nothing more than requests  
4 for production of posts that Travis already has, or at least should have, as he wrote them. *See*  
5 *e.g.* Motion 7:2.

6 Numerous times Travis further seeks “clarification” concerning how certain allegations  
7 do not include one or another of the Plaintiffs. *See e.g.* Motion 6:27-7:1 (“Assuming [the  
8 allegation made at [53(a)(i)] is true how does this allegation apply to Plaintiff Cheryl  
9 McCoy?”). That allegation states:

10 **53. William Travis**

11 a. Prior to November 2019 Election:

12 i. In a post, falsely claimed that the Board, which then included  
13 Marci and Melissa, intentionally circumvented the CC&Rs in order to  
14 create a policy against harassment and defamation against Community  
Staff and Board Members.

15 Plaintiff McCoy is not mentioned in the allegation; same for the other four times the request is  
16 made concerning one or another of the Plaintiffs who are not mentioned in the allegations.  
17 Assuming without agreeing that the request was made not for harassment or to waste  
18 Plaintiffs’ and their attorneys’ time unnecessarily, these requests would appear to be requests  
19 for admission and not requests engendered upon a belief that more information is needed in  
20 order to respond to the Complaint.

21 Several of the requests for “clarification” ask Plaintiffs to clarify what Travis meant in  
22 his own posts. *See e.g.* Motion 7:8-9 & 18:19-20. Obviously, those are questions Plaintiffs  
23 intend to have answered through discovery, but they are “clarifications” Plaintiffs could give  
24 here.

25 **III. CONCLUSION**

26 In short, none of the requests concern a genuine desire for additional information  
27 needed to respond to the Complaint. Instead, Travis improperly asserts a need for  
28

1 “clarification” both to harass Plaintiffs again and to try to evoke discovery type responses  
2 without the benefit of discovery requests. Respectfully, the Court should deny Travis’ Motion.

3 DATED this 7<sup>th</sup> day of December, 2020.

4 **JARDINE BAKER HICKMAN & HOUSTON**

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10 **ORIGINAL** of the foregoing e-filed  
11 this 7<sup>th</sup> day of December, 2020, with:

12 AZTurboCourt  
13 Clerk of the Court  
14 Maricopa County Superior Court

14 **COPY** of the foregoing emailed this  
15 7<sup>th</sup> day of December, 2020, to:

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