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LEAVHAM & WYNN PLC
Two North Camelback Mountain Skyscape
Suite 4500
Phoenix, AZ 85016

Anne A. Turney (Attorney for Petitioner)

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

IN RE THE MARRIAGE OF:

JANE DOE,

Petitioner,

and

JOHN DOE,

Respondent.

Case No. FC2018-99448603

**PETITIONER’S REPLY RE: MOTION FOR
LEAVE TO AMEND PETITION**

Assigned to the Honorable Fred E. Fairness

NOW COMES Petitioner, by and through undersigned counsel, and hereby briefly replies to Respondent’s *Response to Petitioner’s Motion For Leave to Amend Petition* (the “Response”). Respondent’s Response was organized into three discrete bases to deny leave solely to create the illusion of breadth when it actually consisted only of cursory recitation of case law inapposite to this case.

Despite its feature as the lead heading, Respondent failed to explain how amendment would cause any delay in this case. If anything, Respondent’s unreasonable refusal to consent to amendment and subsequent opposition to Petitioner’s Motion already caused more delay than amendment will cause. Petitioner timely filed to amend her complaint immediately after retaining counsel in this matter.

Respondent’s “bad faith” argument is frankly even more baffling. Not only because it consisted entirely of extraneous speculation, but also because it seemed oblivious to the fact that with or without amendment, the Court is obligated to make specific findings of fact regarding domestic violence pursuant to A.R.S. § 25-403 and to

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1 consider Respondent's excessive and wasteful disposition of community funds under
2 A.R.S. § 25-319(B)(11). Respondent's opposition to amendment will not insulate him
3 from the consequences of his misconduct during the marriage.

4 Finally, Respondent's argument that he is concerned with the mounting costs of
5 litigation is squarely betrayed by his unreasonable opposition to amendment. Had he
6 simply stipulated to amendment, both parties would have avoided this costly diversion.
7 Contrary to Respondent's overwrought protestations, Petitioner's proposed amendment
8 will not add any novel claim to this litigation; it merely will offer Respondent more
9 precise notice of the claims against him, as required by the overarching principle of due
10 process.

11 THEREFORE, based upon the foregoing, Petitioner respectfully requests that
12 this Court grant her leave to amend her Petition.

13 **RESPECTFULLY SUBMITTED** this 24th day of January, 2019.

14 /s/ Anne A. Turney

15 Anne A. Turney
16 Attorney for Petitioner

17 **SAMPLE PLEADING**
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1 ORIGINAL of the foregoing filed
this same date with:

2
3 The Clerk of the Court
Maricopa County Superior Court

4 COPIES of the foregoing e-delivered*/mailed via USPS**
this same date to:

5
6 The Honorable Fred E. Fairness*
Judge of the Superior Court

7 Shay D. Billings*/**
8 Ditcher Quick Lee & Hyde LLP
20th - 25th Floors
9 Phoenix, AZ 85016
Attorneys for Respondent

10 By: /s/ Legal Assistant

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