

**SUPERIOR COURT, STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

Eli Dalton-Webb, Plaintiffs, vs. CITY OF PRESCOTT, a municipal corporation in Arizona, OFFICER CARON (#517), OFFICER TRUJILLO, SGT. GERLACH, LT. NOVAK, OFFICER BRAMBILA, CHIEF BONNEY, peace officers of the Prescott Police Department, JOHN DOES I-X, JANE DOES I-X, ABC CORPORATIONS I-X, XYZ PARTNERSHIPS I-X, UNKNOWN ENTITIES I-X, Defendants.	Case No. S1300CV202500445 UNDER ADVISEMENT RULING RE: MOTION TO DISMISS INDIVIDUAL DEFENDANTS
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HONORABLE JOHN NAPPER DIVISION 2	BY: Amanda Bayard, Judicial Assistant DATE: February 19, 2026
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The Court has received and reviewed the Motion to Dismiss Individual Defendants, the Response and the Reply. The Court also held oral argument on the Motion. There is no dispute that the individual defendants were not served with the notice of claim. Accordingly, the Motion to Dismiss Individual Defendants is **Granted**.

Facts and Procedural History

This case stems from alleged violations of the Arizona Constitution that occurred during an interaction between the Plaintiff and Prescott police officers. The Plaintiff filed his complaint alleging these violations and he named the City as a defendant and several offices in their individual capacities. He properly served the City of Prescott with his notice of claim. There is no dispute that he did not serve the individual defendants.

The individual defendants argue the claims against them as individuals should be dismissed due to the failure to comply with the notice of claims statute. (*A.R.S. §12-821.01(A)*). Specifically, they argue the case must be dismissed since they were not served with the notice of claim. Plaintiff argues he could not have served the defendants individually because he is indigent.

Application of Law

Arizona law requires a person having a claim against a public employee to file a claim “with person” as “set forth in the Arizona Rules of civil procedure within one hundred and eighty days after the cause of action accrues.” *A.R.S. §12-821.01(A)*. The Arizona Rules of Civil Procedure allow an individual to be served by: (1) delivering a copy of the summons and the pleading being served to that individual personally; or (2) leaving a

copy at that individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (3) delivering a copy to an agent authorized by appointment or by law to receive service of process. *Ariz. R. Crim. P. 4.1(d)*. A person failing to timely file a notice of claim is barred from maintaining a lawsuit. *City of Mesa v. Ryan in and for County of Maricopa*, 258 Ariz. 2997, 298 ¶2 (2024).

In this case, the Plaintiff acknowledges he did not properly serve his notice of claim on the individual defendants. However, he argues A.R.S. §12-821.01(A) is unconstitutional as applied to people that are indigent. He argues this is true because the rules of civil procedure “essentially require that a claimant go to the personal residence of a police officer and serve the peace officer at their home.” Because police officers' home addresses are protected, Plaintiff argues a private detective is needed to discover the address and perfect service. Therefore, he argues the application of the service requirement in A.R.S. §12-821.01(A) operates to deny indigent Plaintiffs (those that cannot afford to retain a private investigator) access to the courts in violation of several provisions of the Arizona Constitution.

This argument missed the mark because the Arizona Rules of Civil Procedure do not “essentially require” a police officer to be served at their home. That is one of three methods of effectuating service. As he admits in his response to the Motion to Dismiss, Plaintiff had the names of individuals to be served and notice of where they worked. Plaintiff had every opportunity to employ the other two methods of service and chose not to do so.

The notice of claim statute serves the important function of allowing a “public entity to investigate the claim, assess liability, consider settlement before litigation, and budget for possible future litigation.” *City of Mesa*, 258 Ariz. ¶9. In order to achieve these goals, the Arizona Supreme Court has repeatedly held, “claimants must strictly comply” with the requirements of A.R.S. §12-821.01(A). *Id.*, *Falcon ex rel. Sandoval v. Maricopa County*, 213 Ariz. 525, 527 ¶ 10 (2006), *Swenson v. County of Pinal*, 243 Ariz. 122, 125 ¶ 7 (2017). Absent strict compliance, dismissal is required. *City of Mesa*, at ¶ 22.

IT IS THEREFORE ORDERED, the Motion to Dismiss Individual Defendants for failing to comply with the notice of claim statute is **Granted**.

IT FURTHER ORDERED, the remainder of the arguments in the Motion to Dismiss are **Denied** without prejudice as moot.

DATED this 19th day of February, 2026.



eSigned by NAPPER, JOHN 02/19/2026 11:34:08 WYq1D25t

HON. JOHN NAPPER
Judge of the Superior Court, Division 2

cc: Eli Dalton-Webb (e)
James M. Jellison – Jellison Law Offices, PLLC (e)