

1 Eli Dalton-Webb  
2 5009 E. Ironwood Circle  
3 Sierra Vista, Arizona 85650  
4 email: dw4az@proton.me  
5 *Plaintiff*  
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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

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9 **IN AND FOR THE COUNTY OF YAVAPAI**

<p>12 Eli Dalton-Webb, 13 14 <b>Plaintiff</b> 15 16 v. 17 18 CITY OF PRESCOTT, a municipal 19 corporation in Arizona, OFFICER 20 CARON (#517), OFFICER TRUJILLO, 21 SGT. GERLACH, LT. NOVAK, 22 OFFICER BRAMBILA, CHIEF 23 BONNEY, peace officers of the Prescott 24 Police Department, et al., 25 26 <b>Defendants</b></p>	<p>Case No. S-1300-CV-202500445  Divion: A, Hon. Kristyne Schaaf-Olson  Civil Rights Violations; Article 2 § 6 of the Arizona Constitution; A.R.S. § 32- 1101.01; etc.  <b>URGENT</b>  RE: Motion for Special Appointment; Rule 4(d)(2)</p>
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29 To the Honorable Presiding Judge John Napper:  
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34 1. This request is made pursuant to Rule 4(d)(2) of the Arizona Rules of Civil  
35 Procedure.  
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38 2. This request is made to Honorable Presiding Judge John Napper, NOT  
39 Honorable Schaaf-Olson, as Arizona Civil Procedure Rule 4(d)(2)(B) states “by filing  
40 a motion with the **PRESIDING** superior court judge in the county”. Plaintiff  
41 respectfully reads this as it being Honorable John Napper, not Honorable Schaaf-  
42 Olson.  
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1 3. A Civil Procedure Rule 4(d)(2)(B) motion is completely independent of fee  
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3 waivers and fee deferrals. There is nothing in Civil Procedure Rule 4(d)(2) that makes  
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5 this motion dependent on fee waivers or fee deferrals.  
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7 4. Arizona Civil Procedure Rule 4(d)(2)(B) states “Special appointments  
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9 should be granted freely”. This means that a motion for a special appointment is to be  
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11 granted freely, and that this is not an unusual motion. Plaintiff respectfully asserts that  
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13 the Court has a burden of proving that this motion is inappropriate rather than the  
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15 Plaintiff having the burden to prove that the motion is appropriate.  
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18 5. Plaintiff hereby requests, pursuant to Civil Procedure Rule 4(d)(2), a special  
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20 appointment of Adrian Osio, who is over the age of 21, residence address of 4054 N.  
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22 Pembroke St, Prescott valley, Arizona 86314, for service of process within the  
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24 meaning of Rule 4(d)(2).  
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27 6. The reason Plaintiff requests this appointment is because Plaintiff is indigent  
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29 and paying a private process server would cause financial hardship. Additionally,  
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31 voluntary acceptance of service of process, pursuant to Rule 4(f)(1) would delay  
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33 proceedings and prejudice Plaintiff. This request is made pursuant to Article 2 § 13 of  
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35 the Arizona Constitution (access to justice to indigent litigants), Article 2 § 11 of the  
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37 Arizona Constitution (justice without unnecessary delay), and Rule 4(d)(2)(B) which  
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39 requires “[s]pecial appointments should be granted freely”.  
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42 7. Adrian Osio is over 21 years of age and is not a party to the case (which are  
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44 the only requirements of Rule 4(d)(2)). Adrian Osio likely will render services to  
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46 Plaintiff on favorable basis, such as charging \$0 to Plaintiff.  
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1                   8. Plaintiff additionally requests for continued permission to still use a private  
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3 process server, constable, and sheriff, pursuant to the existing Rule 4(d)(1), in the  
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5 event that someone donates money toward his legal costs or otherwise is capable of  
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7 funding service of process.  
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9                   9. Plaintiff respectfully attaches Rule 4(d)(2) to this motion as Exhibit A.  
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16 Submitted respectfully this day, 25 April 2025,  
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22                   \_\_\_\_\_  
23                   /s/

24 Eli Dalton-Webb  
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**Exhibit**

**A**

## Rules of Civil Procedure for the Superior Courts of Arizona

### **Rule 4. Summons**

#### **(d) Who May Serve Process.**

(2) Special Appointment.

(A) Qualifications. A specially appointed person must be at least 21 years of age and must not be a party, an attorney, or an employee of an attorney in the action in which process is to be served.

(B) Procedure for Appointment. A party may request a special appointment to serve process by filing a motion with the presiding superior court judge in the county where the action is pending. The motion must be accompanied by a proposed order. If the proposed order is signed, no minute entry will issue. Special appointments should be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a certified private process server.

<https://govt.westlaw.com/azrules/Document/>

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[viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Document/N9503A53086DC11E699A4BB097EBD55F8?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))