

1 Eli Dalton-Webb  
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3 Sierra Vista, Arizona 85650  
4 email: dw4az@proton.me  
5 *Plaintiff*  
6

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8  
9 **IN AND FOR THE COUNTY OF YAVAPAI**

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| <p>10<br/>11 Eli Dalton-Webb,<br/>12<br/>13<br/>14 <b>Plaintiff</b><br/>15<br/>16 v.<br/>17<br/>18 CITY OF PRESCOTT, a municipal<br/>19 corporation in Arizona, OFFICER<br/>20 CARON (#517), OFFICER TRUJILLO,<br/>21 SGT. GERLACH, LT. NOVAK,<br/>22 OFFICER BRAMBILA, CHIEF<br/>23 BONNEY, peace officers of the Prescott<br/>24 Police Department, et al.,<br/>25<br/>26 <b>Defendants</b><br/>27</p> | <p>Case No. S-1300-CV-202500445<br/><br/>Division: A, Hon. Kristyne Schaaf-Olson<br/><br/>Civil Rights Violations; Article 2 § 6 of<br/>the Arizona Constitution; A.R.S. § 32-<br/>1101.01; etc.<br/><br/>RE: Plaintiff’s Response to Defendant<br/>Officers’ Motion to Dismiss</p> |
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29 1. On 4 August 2025, Defendant Officers (Caron, Trujillo, Gerlach, Novak,  
30 Brambila, Bonney, hereinafter, “Defendant Officers”) filed a Motion to Dismiss.  
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32 Plaintiff hereby responds to this Motion to Dismiss.  
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35 2. Plaintiff opposes this motion to dismiss, as: (1) non-monetary relief  
36 (injunctive and declaratory relief) and nominal monetary relief is requested, inter alia,  
37 against Defendant Officers which does not require a notice of claim to be filed; (2)  
38 the Plaintiff is indigent and does not know the whereabouts of the Defendant Officers  
39 and cannot afford a private investigator to serve a notice of claim and Plaintiff further  
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1 argues other procedural issues regarding proper service of a notice of claim; and (3)  
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3 there is a private cause of action for the acts of the Defendant Officers.  
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5 **CAUSE OF ACTION: OFFICER CARON**  
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7 3. Plaintiff alleges that Defendant Officer Caron detained Plaintiff and violated  
8 various laws. Defense Counsel offers the conclusory statement that the conversation  
9 with Officer Caron and Trujillo were “consensual” (5 June 2025 Answer to  
10 Complaint ¶6-7) and alleging that “The only allegation against [Defendant Officers]  
11 is advising Plaintiff of the consequences of violating the City Code” (M. to Dismiss  
12 Page 12). Defense Counsel is trying to paint a picture that Plaintiff was happy to stop  
13 what he was doing and talk to the police and that the entire interaction was voluntary.  
14 This is absolutely preposterous—Plaintiff was under extreme motivation to produce  
15 results and had zero motivation to speak with police. Every second he was speaking  
16 with the police was a second he could have spent making money talking to  
17 customers. His very first interaction with the police proved this—if he wasn’t being  
18 detained, he was going to continue making his money talking to customers.  
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33 4. On ¶26 of the Initial Complaint, Plaintiff alleged that Defendant Officer  
34 Caron threatened criminal actions against Plaintiff. In ¶34, ¶42, and ¶67 of the Initial  
35 Complaint, Plaintiff alleged that Defendants threatened to take him to jail if he did  
36 not comply with the threats from Defendant Officer Caron to discontinue his  
37 activities. A constitutional right is violated when “a person of ordinary firmness” is  
38 deterred from exercising his constitutional rights.  
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1 “Because it would be unjust to allow a defendant to escape liability for  
2 a First Amendment violation merely because an unusually determined  
3 plaintiff persists in his protected activity, we conclude that the proper  
4 inquiry asks whether an official's acts would chill or silence a person of  
5 ordinary firmness from future First Amendment activities.” (Mendocino  
6 Env'tl. Ctr. v. Mendocino County, 192 F.3d 1283)<sup>1</sup>  
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9 Plaintiff was a person of ordinary firmness—if anything, beyond an ordinary  
10 firmness—in exercising his constitutional rights. He made it clear that he had no  
11 desire to talk to the police and had every motivation to continue exercising his rights  
12 and had zero motivation to voluntarily stop. After his rights were violated, he had to  
13 have an awkward conversation with his colleagues as to why he did not produce any  
14 sales, which he did not want to have.  
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22 5. Deciding whether or not: (1) Officer Caron violated Plaintiff’s constitutional  
23 rights; (2) Plaintiff was a person of ordinary firmness; and/or (3) Plaintiff voluntarily  
24 spoke with Officer Caron is improper in a motion to dismiss. Defense Counsel has  
25 requested a trial by jury, and it is up to the jury to decide on those facts, and to give  
26 Parties the opportunity to provide video evidence, inter alia.  
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32 **CAUSE OF ACTION: SERGEANT GERLACH**  
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35 6. Officer Caron told Plaintiff that he spoke with Officer Caron’s sergeant, and  
36 then proceeded to threaten Plaintiff with criminal action if he continued to exercise  
37 his constitutional rights (Complaint ¶25). Of course, Plaintiff does not know all the  
38 details of the conversation between Officer Caron and his sergeant or if it even  
39 occurred in the first place, other than knowing what Officer Caron alleged on-scene  
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1 Not a direct federal claim. Plaintiff reiterates his points from ¶98 of the Initial  
47 Complaint. Used for illustrative purposes only.  
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1 to Plaintiff. This will be resolved through discovery. At this time, for complaint  
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3 purposes, Plaintiff is accusing, for the purpose of surviving a Rule 12(b)(6) dismissal,  
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5 that Sergeant Gerlach instructed Officer Caron to take criminal actions against  
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7 Plaintiff and therefore is liable for failure to intervene and instructing his subordinate  
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9 to commit an act in violation of the constitution and laws of this state. Deciding this  
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11 on a motion to dismiss is improper, as Plaintiff has not both (1) had an opportunity  
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13 for discovery (2) this Court is required to assume all alleged facts as true and indulge  
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15 all reasonable inferences of the complaint. Defense Counsel even acknowledges this  
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17 in his Motion to Dismiss—this court must assume, for Rule 12(b)(6) purposes, that  
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19 Sergeant Gerlach ordered Officer Caron to do what Officer Caron did—because the  
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21 Courts are required to assume the truth on all alleged facts in a complaint for Rule  
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23 12(b)(6) dismissal purposes.  
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27 **CAUSE OF ACTION: OFFICER TRUJILLO**

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29 7. In Complaint ¶8-11, ¶14-16 Plaintiff alleges that Officer Trujillo actively  
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31 knew of the facts and circumstances and failed to intervene. “Pursuant to a long line  
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33 of civil cases, police officers have a duty to intercede when their fellow officers  
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35 violate the constitutional rights of a suspect or other citizen.” (United States v. Koon,  
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37 34 F.3d 1416).  
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40 **CAUSE OF ACTION: OFFICER LEADERSHIP**

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42 8. In Complaint ¶12, Plaintiff alleges that Officers Novak, Brambila, and  
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44 Bonney (“Police Leaders”) trained Defendants Officer Caron and Trujillo, and trained  
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46 them to violate citizens’ constitutional rights, as the Defendants did with Plaintiff. Of  
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1 course, Plaintiff does not specifically know the internal workings of the Prescott  
2 Police Department and specifically who trained Officer Caron and Trujillo, but this  
3 Court is required to assume all plead facts of complaints and indulge all reasonable  
4 inferences thereof. Deciding whether or not Officer Caron and Trujillo were trained  
5 to violate Plaintiff's rights by Police Leaders are improper in a motion to dismiss, as  
6 Parties have not had an opportunity for discovery nor the opportunity to present their  
7 case before a jury (since the Defense Counsel has requested jury trial).  
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16 **CAUSE OF ACTION: ALL OFFICERS**  
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18 9. Plaintiff requests monetary in addition to non-monetary relief against  
19 Defendant Officers. There are numerous hurdles for a citizen to obtain monetary  
20 relief against the government, but there are far fewer hurdles for obtaining equitable  
21 relief against the government. Declaratory relief is the most mild relief a citizen can  
22 get against the government.  
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29 10. In Complaint ¶135, Plaintiff asked, inter alia, for nominal damages. \$1  
30 nominal damages are allowed without notices of claims (Platt v. Moore, 15 F.4th 895  
31 "...based on the reasoning in Martineau and Mabery, Arizona would not apply its  
32 notice of claim statute to claims for nominal damages...And, like claims for  
33 declaratory or injunctive relief, it would be nonsensical to require nominal damages  
34 claimants for \$1 in damages to disclose, as a prerequisite for filing suit, a reasonable  
35 estimate of the amount for which the claim may be settled, for such claims are  
36 ordinarily not amenable to settlement for a sum certain.""). If the Defendant Officers  
37 violated the Arizona Constitution, courts have upheld that \$1 monetary relief requests  
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1 are not punitive and do not require notices of claims, so that litigants can keep  
2 lawsuits alive.  
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5 **NOTICE OF CLAIM: INDIGENCY AND PROCEDURAL RULE**  
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7 11. Defendant Officers, through counsel, allege that they were never properly  
8 served with a notice of claim. Plaintiff alleges indigency, procedural defects of the  
9 facts, circumstances, laws and rules regarding service of the notice of claim, due  
10 process, and other arguments.  
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12 12. First and foremost, Plaintiff alleges that he is indigent. The problem with  
13 Simon v. Maricopa is that John Simon never alleged that he did not comply with  
14 properly serving defendant officers because he was indigent and he did not raise  
15 Article 2 § 13 arguments in his appeal.  
16

17 13. Plaintiff asserts that both A.R.S. § 12-821.01, ARCP 4.1(d), and A.R.S. §  
18 39-123 basically require that a person wishing to seek monetary relief against a peace  
19 officer must hire a private investigator in order to properly serve a notice of claim.  
20 Both A.R.S. § 12-821.01(A) and ARCP 4.1(d) essentially require that a claimant go to  
21 the personal residence of a peace officer and serve the peace officer at their home.  
22 Because A.R.S. § 39-123 withholds the residence address of a peace officer from  
23 public records, a claimant cannot get the home address from public records. This  
24 makes it so that a person must hire a private investigator to usurp the government's  
25 attempt in hiding the residence address of the peace officer.  
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27 14. Because of this, Plaintiff was prejudiced by A.R.S. § 12-821.01, ARCP  
28 4.1(d), and A.R.S. § 39-123 because he was indigent and could not afford to hire a  
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1 private investigator to locate Defendant Officers to properly serve them, which is a  
2 violation of Article 2 § 4 and Article 2 § 13 of the Arizona Constitution. Courts have  
3 repetitively ruled in favor of indigent litigants when the law itself denies them justice  
4 due to their indigency.  
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9 15. Unlike actual litigation, with a notice of claim, there is no court, no judge,  
10 no discovery, no rules of civil procedure, no motions, no court order. In typical  
11 litigation when a plaintiff is unable to find a defendant, they can use discovery tools  
12 to compel known parties and non-parties to provide information (like home  
13 addresses) to the plaintiff to add new defendants to the case and properly serve  
14 additional defendants. They can also have constables/sheriffs serve process and have  
15 the fees waived/deferred, pursuant to A.R.S. § 12-302(H)(5). Other tools that  
16 plaintiffs can use is ARCP 4.1(k) motion for alternative means of service and ARCP  
17 4.1(l) motion for service by publication. Another tool worth mentioning is ARCP  
18 4.1(c) and ARCP(f)(2) voluntary acceptance and waiver of service. None of these  
19 tools exist for notices of claims—there is no discovery to find defendant home  
20 addresses, there is no motion for alternative service, there is no motion for service by  
21 publication, there is no incentive for waiver of service, and there is no acceptance of  
22 service. In fact, A.R.S. § 12-821.01 allows a defendant to completely ignore a notice  
23 of claim and never acknowledge receiving one. Additionally, because a notice of  
24 claim is an out-of-court proceeding, a constable/sheriff cannot serve that paper, and  
25 since there is no court involved, there is no court to submit a fee deferral/waiver  
26 application to for a litigant to then get an order deferring/waiving fees to present to  
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1 the constable/sheriff. There is zero room for error, and there is no way around paying  
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3 a private investigator to find the home addresses for defendant peace officers. This  
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5 prejudices indigent persons, and is in violation of Article 2 § 13 of the Arizona  
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7 Constitution.  
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10 16. There are 4 important aspects of a notice of claim: (1) the 180-day  
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12 deadline; (2) it “contain[ing] facts sufficient to permit...[an] understand[ing of] the  
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14 basis on which liability is claimed”; (3) specific amount demanded; (4) proper service  
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16 of the notice upon the defendant. Defendants only dispute the latter—proper service  
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18 —and Plaintiff hereby argues the point.  
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20 17. The notice of claim statute provides for no procedures on proper service.  
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22 A.R.S. § 12-821.01(A) states “shall file claims with the person or persons authorized  
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24 to accept service...as set forth in the Arizona rules of civil procedure”. However, Civil  
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26 Procedure Rule 1 states “These rules govern the procedure in all civil actions and  
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28 proceedings in the superior court of Arizona.”. A notice of claim is an out-of-court  
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30 proceeding not subject to the rules of the judicial department. That would be a  
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32 violation of Article 3 of the Arizona Constitution, Article 4 Part 2 § 18, and Article 6  
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34 § 5 ¶ 5 of the Arizona Constitution. The supreme court has designed the Arizona  
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36 Rules of Civil Procedure for procedures inside the superior court and have not  
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38 designed their rules with notices of claims in mind. For example, a plaintiff in court  
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40 who is unable to locate a defendant and therefore cannot serve a defendant pursuant  
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42 to Rule 4.1(d) can get a Rule 4.1(k) alternative service or can serve by publication  
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44 (Rule 4.1(l)). When the supreme court put Rule 4.1(d) in there, they also were under  
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1 the assumption that Rule 4.1(k) and Rule 4.1(l) and discovery were also available to  
2 litigants. Additionally, a constable/sheriff can serve court papers and an indigent  
3 litigant can have those fees waived/deferred pursuant to A.R.S. § 12-302(H)(5), but  
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5 this does not apply to notice of claim proceedings. This is why the supreme court  
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7 clarified that the Arizona Rules of Civil Procedure “govern the procedure in all civil  
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9 actions and proceedings in the superior court of Arizona”. The supreme court has not  
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11 voluntarily accepted jurisdiction over creating rules for notice of claim proceedings,  
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13 has not designed their rules of procedure with notices of claims in mind, and  
14  
15 therefore, A.R.S. § 12-821.01 refers to a dead-end for proper service purposes. The  
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17 legislature cannot delegate out-of-court notice of claim procedure to the supreme  
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19 court, as that would be a violation of Article 3, Article 4 Part 2 § 18, and Article 6 § 5  
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21 ¶ 5 of the Arizona Constitution.  
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27 18. Courts have repeatedly held that court-created procedural rules prevail  
28  
29 over legislature-created statutory rules. "...both [the Arizona Supreme Court] and the  
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31 legislature have procedural rulemaking power, but pursuant to article 6, section 5(5)  
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33 of the Arizona Constitution, in the event of a conflict, our rule prevails." Wallace v.  
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35 Smith, 255 Ariz. 377, 378, 532 P.3d 752, 754, 2023 Ariz. LEXIS 158, \*4 (Ariz. July  
36  
37 25, 2023) “The legislature...cannot repeal a rule of procedure or evidence” (Wallace  
38  
39 v. Smith)  
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42 19. Court have also used a “reasonable and workable” standard when  
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44 determining whether to invalidate a statute against a procedural rule. (Seisinger v.  
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46 Siebel, 220 Ariz. 85, 89 (2009)) Combine this with the courts’ repetitive  
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1 acknowledgment that the Arizona government cannot prejudice indigent litigants. The  
2 procedure that an indigent litigant must serve officers at their personal residences are  
3 not reasonable nor workable for indigent litigants.  
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7 **NOTICE OF CLAIM: SUBSTANTIAL COMPLIANCE**  
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9 20. Because there is no law governing **WHO** (emphasis added) must receive a  
10 notice of claim because A.R.S. § 12-821.01(A) refers to a dead-end because Civil  
11 Procedure Rule 1 declines jurisdiction over out-of-court notice of claim proceedings,  
12 it is up in the air as to whether or not Defendant Officers have or have not received a  
13 notice of claim. Further, Plaintiff asserts that nowhere in A.R.S. § 12-821.01 does it  
14 say “strict compliance”. Yes, “excusable neglect” was removed, but “strict  
15 compliance” was never added to the notice of claim statute. Because the statute is  
16 silent on strict compliance, A.R.S. § 1-211(B) kicks in. Because the legislature has  
17 made it an interest of the government to hide personal residence addresses of peace  
18 officers in A.R.S. § 39-123, and pursuant to A.R.S. § 1-211(B), Plaintiff has  
19 substantially complied with filing a notice of claim upon the officers by giving a copy  
20 to the city clerk and police department front desk, as those locations are public and  
21 known to the public.  
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37 **NOTICE OF CLAIM: ACCRUAL**  
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39 21. Plaintiff also asserts that there should be tolling for claims against  
40 Defendant officers. Imagine that Plaintiff had claims against “a white man with a red  
41 hoodie and a blue baseball cap” and needed to sue this man with this description.  
42 There is not enough information to sue this man, but if the Plaintiff could use  
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1 discovery to figure out who this man is, including his residence address, Plaintiff  
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3 could have the man served with a summons. In this case, Plaintiff does not have all  
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5 the information necessary to file a notice of claim, which includes the residence  
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7 addresses of the defendant officers. Plaintiff has (1) names of the officers; and (2) that  
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9 they worked for the Prescott Police Department. A.R.S. § 12-821.01(B) states: “For  
10  
11 the purposes of this section, a cause of action accrues when the damaged party  
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13 realizes he or she has been damaged and knows or reasonably should know  
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15 the...source...that caused or contributed to the damage.”. Plaintiff asserts that because  
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17 (1) he doesn’t know the personal residence addresses of the defendant officers; and  
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19 (2) he cannot hire a private investigator, that he does not know the source that caused  
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21 the damages, and so no cause of action has accrued yet. Once Plaintiff can get into  
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23 initial disclosure and discovery, and the Defendant City has turned over the personal  
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25 residence addresses of the defendant officers, the cause of action would accrue for  
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27 notice of claim purposes once they give over the personal residence addresses of the  
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29 defendant officers.  
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33 22. There is a problem with this legal theory as well. To say that an indigent  
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35 litigant must:

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37 sue a city, wait the 20 days for an answer or motion to dismiss, respond  
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39 to the motion to dismiss, wait another 5 business days and 5 calendar  
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41 days for a reply to the motion to dismiss, then wait even longer for  
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43 initial disclosure and discovery, to then be able to file a notice of claim,  
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45 then wait 60 days for them to deny the notice of claim, then add  
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1 defendant officers, then wait another 20 days for a response or motion  
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3 dismiss

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5 for an actual lawsuit to commence prejudices indigent litigants. Wealthy litigants that  
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7 can hire a private investigator can have their claims processed faster than an indigent  
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9 litigant violates Article 2 § 11 for adding unnecessary steps for the indigent litigant  
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11 and also treats wealthy litigants better than indigent, which is a violation of Article 2  
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13 § 13 of the Arizona Constitution. The other thing is that if a defendant officer pays a  
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15 notice of claim, it gives the indigent litigant an extra filing fee they must pay because  
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17 then basically paying the (around \$300) court filing fee was to obtain discovery  
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19 (discovery-only lawsuit), just for the plaintiff to get the personal residence address of  
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21 the defendant officer for the sole purpose of properly serving the defendant officer.  
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25 23. This is some real legal mental gymnastics that an indigent litigant must go  
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27 through in order to just serve a defendant officer, because (1) discovery/disclosure  
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29 does not exist in a notice of claim proceeding; (2) public records is the only  
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31 alternative to discovery/disclosure, and A.R.S. § 39-123 prohibits the disclosure of  
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33 personal residence addresses of police.  
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36 **NOTICE OF CLAIM: VOLUNTARY NATURE**

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38 24. Plaintiff would like to point out the voluntary nature of the notice of claim  
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40 process. For the indigent litigant who does not have the resources to hire a private  
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42 investigator to serve a defendant officer at their personal residence, an officer can  
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44 simply voluntarily not accept a notice of claim. They can employ strategies like  
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46 avoiding service, not appointing an agent pursuant to ARCP 4.1(d)(3), and any other  
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1 strategy to make it difficult to properly serve a defendant officer with a notice of  
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3 claim.

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5 25. The officers are either a part of the government or they are not. The  
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7 government either indemnifies the officers or they do not. A claim is either against  
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9 the government or its against a natural person. If they are part of the government,  
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11 they have sworn an oath to the Arizona Constitution, which provisions like Article 2 §  
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13 4, which gives due process to the citizens, not to the government. Plaintiff's right to  
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15 due process exceeds the government's right to due process. The Defendants have also  
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17 all sworn an oath to the Arizona Constitution, including Article 2 § 11 of the Arizona  
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19 Constitution. Plaintiff asserts that because they have agreed to Article 2 § 11, they  
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21 have also agreed to subject themselves to lawsuits in such a way that they will not  
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23 engage in litigation that unnecessarily delays litigation. Article 2 § 11 is under the  
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25 rights of citizens, and is not for any particular branch of government, but applies to  
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27 all government. Further, it is either claim against the government or its a claim  
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29 against the natural person who is also an officer. If it's a claim against the natural  
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31 person, the notice of claim statute does not apply because Article 2 § 9 and Article 2 §  
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33 13 prohibit a natural person from enjoying privileges that exceed that of another  
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35 natural person, including notice of claim requirements. Private persons cannot move  
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37 to dismiss a lawsuit for non-service of a notice of claim. If it's a claim against the  
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39 government or if the government indemnifies, the notice of claim requirement is  
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41 fulfilled by filing a notice of claim with the clerk, and requirements to file a claim  
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1 with an officer are a violation of Article 2 § 4, Article 2 § 11, and Article 2 § 13 by  
2 causing an unnecessary delay to an indigent litigant and violating due process.  
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5 26. Plaintiff asserts that if we allow defendant officers to play games of service  
6 of process, including A.R.S. § 39-123 (hiding their home address) and not appointing  
7 an agent pursuant to Rule 4.1(d)(3), then we make it voluntary for officers to be sued.  
8 They either volunteer to accept a notice of claim (or voluntarily fail to move to  
9 dismiss for that reason), or they volunteer to hide and make it impossible for indigent  
10 litigants to serve a defendant officer. This is a violation of Article 2 § 9 by giving  
11 immunity to police officers. We further violate Article 3 of the Arizona Constitution  
12 because it takes away the coercive power of the judicial department, and gives  
13 unlimited power to the executive department, because all the executive department  
14 has to do is make it impossible to know who and where to serve a defendant, and then  
15 citizens have zero recourse from the judicial department because the executive  
16 department will simply accuse the citizen-plaintiff of non-service of a notice of claim.  
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31 27. Again, there is no Rule 4.1(k) alternative service, Rule 4.1(l) service by  
32 publication, no discovery, no initial disclosure, no voluntary acceptance of service, no  
33 voluntary waiver of service—in fact it is in their interest to ignore a notice of claim,  
34 because they are allowed to ignore them in A.R.S. § 12-821.01 and there is no Rule  
35 4.1(c)(3)/Rule 4(f)(1)/Rule 12(a)(1)(A)(ii) incentive to acknowledge receipt of a  
36 notice of claim.  
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44 28. Notices of claims must be mandatory, and not voluntary. We should not  
45 allow the government to voluntarily decline receiving notices of claims. That denies  
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1 the power of the judicial department to give remedy to a citizen, in violation of  
2  
3 Article 3.  
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5 **NOTICE OF CLAIM: FULL TIME TO LITIGATE**  
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7 29. Whatever solution the Judicial Department comes up with for indigent  
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9 litigants in filing a notice of claim with a peace officer, the Judicial Department must  
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11 consider that litigants have a full 180 days to file a notice of claim and a full year to  
12  
13 commence a lawsuit. Litigants have an assortment of reasons as to why they would  
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15 use their full time to file a notice or complaint, including finding an attorney,  
16  
17 discovering evidence, typing up the document, getting money, etc.. If the Judicial  
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19 Department comes up with a solution for indigent litigants that requires them to file  
20  
21 anything earlier than the last day to file, that violates Article 2 § 13 of the Arizona  
22  
23 Constitution.  
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26 **PRIVACY, CULTURE AND RETALIATION**  
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29 30. It should be noted that the average person would feel alarmed by a stranger  
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31 knowing their personal residence address, especially police. Police are in the business  
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33 of making people's lives worse—they issue tickets and put people in jail. Many  
34  
35 people are unhappy with police because the police made their lives worse. It should  
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37 also be noted that people who have been harmed by police would be intimidated by  
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39 going to the personal residence address of a peace officer because a peace officer  
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41 would then be motivated to retaliate against the claimant. A claim that needs to be  
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43 merely a piece of paper that a bureaucrat in an office handles suddenly becomes  
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1 emotionally personal when it comes to a person’s residence where they have a spouse  
2 and child.  
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5 31. A.R.S. § 12-821.01(A) and ARCP 4.1(d) is the only reason a person would  
6 need to know the personal residence address of a peace officer. Otherwise, absolutely  
7 no one—the claimant and peace officer—wants to go to the peace officer’s personal  
8 residence to deliver a notice of claim. A person of average intelligence and  
9 knowledge of the law would be surprised that the legal system in Arizona expects  
10 claimants to go to the personal residence of a peace officer to deliver a notice of  
11 claim, and the law goes counter to all cultural norms.  
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15 32. Plaintiff asserts that A.R.S. § 12-821.01 and ARCP 4.1(d) violate Article 2  
16 § 8 of the Arizona Constitution.  
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24 **PRIVATE CAUSE OF ACTION**  
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27 33. Defendants allege that there is no private cause of action. Plaintiff asserts  
28 that he has a cause of action against Defendant Officers. He has non-monetary relief  
29 and nominal damages, inter alia, he is requesting against the Defendant Officers,  
30 which are allowed. If Plaintiff would have continued going door-to-door on 22 May  
31 2024, he would have very personally gone to jail. Defendant Officer Caron directly  
32 curtailed Plaintiff’s right to assembly under Article 2 § 5, and right to speech under  
33 Article 2 § 6, and right to work under Article 2 § 33, and federal rights under and  
34 through Article 2 § 3.  
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44 34. The Arizona Constitution provides for a private cause of action, pursuant  
45 to Article 2 § 1, Article 2 § 2, Article 2 § 5 and Article 2 § 32, and Article 3 of the  
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Arizona Constitution. To deny a litigant the right to redress his grievances in court makes the provisions of the Arizona Constitution optional, which violates Article 2 § 32 of the Arizona Constitution and denies him the checks and balances the court gives against the other branches of government.

**A COPY OF THIS WILL BE SENT TO:**

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Submitted respectfully this day, 3 September 2025,

/s/Eli Dalton-Webb

*Plaintiff*