

Eli Dalton-Webb
5009 E. Ironwood Circle
Sierra Vista, Arizona 85650
email: dw4az@proton.me
Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

Eli Dalton-Webb, Plaintiff v. CITY OF SIERRA VISTA, a municipal corporation in Arizona, OFFICER E. SLUSSER, R. Hertman, OFFICER S. McHunting, M. Partidge, peace officers of the Sierra Vista Police Department, Defendants	Case No. CV202400628 Assigned to: Hon. David Thorn Civil Rights Violations; Article 2 § 5 of the Arizona Constitution, etc. RE: Response to Motion to Deny Application for Entry of Default; Motion for Alternative Service; Motion for Sanctions
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Plaintiff construes the Defendants' filed "DEFENDANTS E. SLUSSER, R.
HERTMAN, S. McHUNTTING, AND M. PARTRIDGE'S LIMITED
APPEARANCE TO RESPOND TO PLAINTIFF'S APPLICATION FOR
DEFAULT" (filed 3 December 2024) as a motion to deny Plaintiff's application for
entry of default, and hereby responds to such motion.

Plaintiff acknowledges that defaults are undesirable in the interest of justice.
Plaintiff also asserts that it is undesirable that defendants evade or delay civil actions
by abusing civil procedure and be rewarded for such conduct. Plaintiff's intent is not
to ensure that Defendants default, but rather that Defendants appear and defend this
lawsuit, and not reward government defendants for abusive delays through abusive

1 use of civil procedures. (Plaintiff asserts that this is a valid claim and shall not be
2
3 construed to agree with defense arguments) However, the Defendant is abusing
4
5 procedures to evade and delay this action. Clearly, all Defendants are aware of this
6
7 lawsuit, and the attorneys for this action have the civil complaint before them and
8
9 should be preparing for a defense and legal strategy for them. Additionally, the
10
11 Defendants abused the time in which to respond. They waited until after an
12
13 application for entry of default was filed before contacting the Plaintiff. It seems that
14
15 the Defendants are only motivated to respond when the deadline for a default has
16
17 been reached. Even then, Defendants are now trying to push their deadline past a
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19 default.
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21

22 Defendants have not shown any good cause for delay. Plaintiff acknowledges
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24 that there are good causes for delays from time to time, such as funerals, litigants
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26 attending hearings for other cases, drafting difficult arguments, and other good
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28 causes. However, it appears defendants are delaying just for the sake of delaying.
29
30 Defendants have hired a massive law firm, and should have the capabilities of
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32 responding in a timely manner.
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34

35 It is a common practice for lawsuits against peace officers to serve the peace
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37 officers at the front desk of the police department. It is completely reasonable for
38
39 peace officers to resist giving their personal home addresses to people, and it is
40
41 impractical to expect a peace officer to be at an office all day waiting for service of
42
43 process, and also impractical to expect peace officers to be interrupted from their
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45 duties to come to the office for service of process.
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47
48

1 Pursuant to Rule 4.1(d)(3), service is accomplished by delivering a copy to an
2
3 agent authorized by appointment. Evidence is that Megan Serinana is an appointed
4
5 person to receive service of process on behalf of the peace officers. (see Exhibit A)
6

7 In addition, Lane Balmer is a licensed private process server who is not a party
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9 to this suit, and should be considered unbiased and professional testimony. His
10
11 professional testimony is that Megan Serinana was at the front desk of the police
12
13 department and Megan Serinana said Megan Serinana was authorized to receive
14
15 service of process on behalf of the peace officers (see Exhibit A). This is evidence
16
17 that Megan Serinana was appointed to receive service of process on behalf of the
18
19 peace officers.
20
21

22 I can personally testify that I have an e-mail from the City of Sierra Vista
23
24 stating that Megan Serinana is the Records Supervisor on 13 November 2023 (see
25
26 Exhibit B). At minimum that means that she was employed 346 days at the Sierra
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28 Vista Police Department at the time of service of process (13 November 2023 to 24
29
30 October 2024). Is the defense alleging that a “Supervisor” who has been working for
31
32 the Sierra Vista Police Department for not less than 346 days would not know
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34 whether or not she was authorized to receive service of process on behalf of the peace
35
36 officers?
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38

39 **REQUESTED RELIEF**

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41
42 Plaintiff hereby requests one of the following relief (in order from most
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44 preferred to lesser preferred alternative remedies):
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1 1. That the Defendant Officers who have not responded by 3 December 2024
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3 be deemed in default; or if not, alternatively:
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5 2. That the Application for Entry of Default, Complaint, and summons be
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7 deemed properly served, and Defendant Officers be granted an extension of a few
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9 more days to respond AND Defense Counsel be sanctioned; or if not, alternatively:
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11 3. That the Application for Entry of Default, Complaint, and summons be
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13 deemed properly served, and Defendant Officers be granted an extension of a few
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15 more days to respond (no sanctions); or if not, alternatively:
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17 4. That this pleading be construed as a “motion for alternative means of
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19 service” within the meaning of Rule 4.1(k) and that the Plaintiff is to e-mail
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21 Defendants the complaint and summons at DGraffious@JSHFIRM.COM (address for
22
23 Derek Graffious, counsel for Defendants).
24
25
26
27
28

29 **A copy of this will be sent to:**

30
31 DGraffious@JSHFIRM.COM
32

33 CTevis@JSHFIRM.COM
34

35 CWong@jshfirm.com
36

37 MMolinario@Jshfirm.com
38

39 lbegnoche@courts.az.gov
40

41
42 JONES, SKELTON & HOCHULI P.L.C.
43 40 N. Central Avenue, Suite 2700
44 Phoenix, Arizona 85004
45
46
47
48

SIGNATURE

I, Eli Dalton-Webb, have read the foregoing and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Dated this day, 13 December 2024



Eli Dalton-Webb

Exhibit

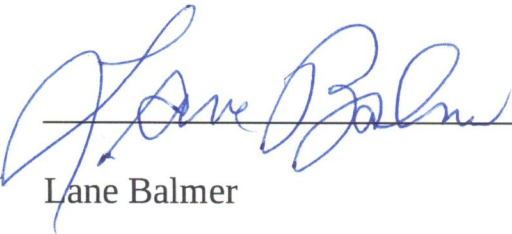
A

PRIVATE PROCESS SERVER STATEMENT

In the case of Eli Dalton-Webb v. City of Sierra Vista, et al., I, Lane Balmer, went into the Sierra Vista Police Department and served the officers with the complaint and summons (and other documents) through the lady at the front desk, and the lady at the front desk, who identified herself as Megan Serinina, told me that she was authorized to receive service of process on behalf of the officers. I served them on 24 October 2024.

I, Lane Balmer, have read the above statement, and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

DATED THIS DAY, 26 November 2024,



Lane Balmer

Exhibit

B



Eli <eli[redacted]@gmail.com>

Requested report

Rhonda Stoutenburg <Rhonda.Stoutenburg@sierravistaaz.gov>

Mon, Nov 13, 2023 at 9:14 AM

To: "eli[redacted]@gmail.com" <eli[redacted]@gmail.com>

Good morning!

We received your request on Oct. 16th. Your request has been assigned to Records Supervisor Megan. Please contact her directly at Megan.Sarinana@sierravistaaz.gov for status updates or other inquiries regarding your request.

Please note that due to low staffing, request completion times will be greatly extended for the foreseeable future. We apologize for any inconvenience and appreciate your understanding.

Thank you.

Rhonda Stoutenburg C583
Records Clerk I
Sierra Vista Police Department
[911 N Coronado Dr](#)
Sierra Vista, AZ 85635
Phone: 520.452.7500
Fax 520.458.3563



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