

1 Eli Dalton-Webb
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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**

12 Eli Dalton-Webb, 13 14 Plaintiff 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 Defendants	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. RE: Reply to Objection Regarding Application of Entry of Default; Rule 4.1(k) motion for alternative means of service
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29 **PROCEDURAL HISTORY**

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31 1. On 7 May 2025, all Defendants were properly served via the deputy city
32 clerk with the summons and complaint (and other documents), pursuant to Arizona
33 Civil Procedure Rule 4.1(h)(3).
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37 2. Pursuant to Civil Procedure Rule 12(a)(1)(A)(i), Defendants had 20 days to
38 answer. That response was due 27 May 2025.
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42 3. On 28 May 2025, Plaintiff filed an application for entry of default, pursuant
43 to Civil Procedure Rule 55.
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1 government’s right to justice without unnecessary delay, pursuant to Article 2 § 1 and
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3 § 2.
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5 11. The Arizona Constitution supersedes any court rule or any statute passed
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7 by the legislature. Granted, the Defendants are alleging that the city clerk was never
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9 appointed to receive service of process. However, Defendants are government
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11 Defendants, and they have agreed to the entire provisions of the Arizona Constitution,
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13 including Article 2 § 9, Article 2 § 11, and Article 2 § 13, notwithstanding any court
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15 rule or legislative law.
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18 12. Article 2 § 11 mandates that justice be administered “without unnecessary
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20 delay”. This right resides under Article 2, not Article 6, so it does not just apply to the
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22 judicial department, but to all government officials. This lawsuit is against the City of
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24 Prescott’s employees—meaning that any monetary relief awarded will come from the
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26 City of Prescott. The City of Prescott—the party financially responsible for this
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28 lawsuit—has been properly informed of this lawsuit. Including the Defendant
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30 Officers are a mere technicality and are there to comply with any potential procedural
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32 requirements the Defendants might bring up later¹. Requiring Plaintiff to properly
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34 serve Defendant Officers, for the purpose of demanding monetary relief in this action,
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36 creates an “unnecessary delay” in litigation. Unlike private defendants who may or
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38 may not have agreed with the Arizona Constitution prior to litigation, the government
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40 defendants have already entered into an intimately close contract with the Arizona
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42 Constitution, including defending themselves in a court of law “without unnecessary
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47 1 Plaintiff additionally seeks non-monetary relief against Defendant officers
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1 delay”. Additionally, this right uses the word “unnecessary”, it doesn’t say
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3 “administratively reasonable” or “reasonable”.
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5 13. Article 2 § 13 mandates that indigent litigants not be treated any differently
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7 than wealthy litigants. It seems that the City of Prescott imposes procedural hurdles
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9 (perhaps intentionally) upon litigants to guess and find the personal residences of
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11 peace officers to personally serve them (except nothing about this lawsuit is personal
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13 —the city is the real defendant, and litigation is in the officers’ personal capacities).
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15 A.R.S. § 39-123(A) prohibits the disclosure of peace officers’ personal address from
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17 public records requests. How is a litigant supposed to find peace officers’ personal
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19 residence address, so they could exercise their right to sue the government for a
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21 wrong done to them, if it violates public policy for a government to release peace
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23 officers’ personal residence addresses? It appears that there is an implied expectation
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25 for a litigant to usurp the government-created hurdles and hire a private investigator
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27 to **GUESS** where the peace officers live and serve them there. The problem with the
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29 government requiring a litigant to hire a private investigator to have a government
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31 defendant served is that it prejudices indigent litigants. Indigent litigants do not have
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33 the resources to hire a private investigator to find the personal residences of the
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35 government defendants. This is a violation of Article 2 § 13, as the judicial
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37 department is unequally treating indigent litigants in comparison to wealthy litigants
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39 who can afford to hire a private investigator.
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44 14. Plaintiff acknowledges that there are multiple other avenues of service he
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46 can seek within the court rules: Rule 4.1(c) waiver of service, Rule 4.1(k) motion for
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1 alternative means of service, and Rule 4.1(l) service by publication. Rule 4.1(c) adds
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3 an extra 40 days for the defendants to respond and only applies to, in this case,
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5 municipal corporations not government individuals (arguendo, going with the
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7 Defendants' legal theory, because that legal theory of non-service requires a clear
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9 separation between the city and its officers)--even if waiver was requested, the
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11 defendant officers could argue they didn't receive a waiver request because the
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13 waiver wasn't sent to the personal residence, and they could simply refuse waiver and
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15 argue that only a "municipal corporation" not a government "individual" is required
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17 to waive service. Also, even though Rule 4.1(c) requires waiver of service, a
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19 defendant who actually has a duty to waive could simply not waive and simply pay
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21 the extra financial penalty of proper service, as there is no mechanism to compel
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23 waiver of service. It also appears that indigent litigants would need to ask the court
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25 for Rule 4.1(k) alternative service, but that requires the delay of the judge making a
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27 discretionary ruling of granting a Rule 4.1(k) motion for alternative service and
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29 figuring out who/how to deliver the lawsuit. As the Plaintiff and this Court have
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31 already observed with a Rule 4(d)(2) special appointment for the reason of indigency
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33 and speedy justice, even with procedures in the rules that say "should be granted
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35 freely", judges are unpredictable and need significant persuasion, and a Rule 4.1(k)
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37 motion has no "granted freely" clause. Rule 4.1(l) adds unnecessary cost and delay
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39 and requires a Rule 4.1(k) motion before a Rule 4.1(l) motion for service by
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41 publication.
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1 15. Arizona Civil Procedure Rule 1 states “These rules...should be construed,
2 administered, and employed by the court and the parties to secure the just, speedy,
3 and inexpensive determination of every action and proceeding.”. Defendants wish to
4 violate this principle by adding unjust (mistreating indigent litigants and delaying
5 proceedings on non-merits of the case), slow, and expensive determination of this
6 action. They are implying that Plaintiff should have hired a private investigator to
7 find the personal residence addresses of the Defendant Officers and pay a process
8 server to personally serve defendants at each individual home of each defendant
9 officer.
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20 16. Plaintiff asserts the constitutional right to sue under Article 2 § 1, as almost
21 nothing is better to remind the government of the fundamental principles than
22 complaining about the government in a court of law. The Defendants seek to create
23 immunity through civil procedure, which is a violation of Article 2 § 9, which
24 prohibits government immunity. The government cannot simply
25 administratively/procedurally “consent” to service of process to a lawsuit, because
26 that would give them administrative/procedural immunity by default. It appears that
27 the government requires its employees to be named in lawsuits against the
28 government, and then makes it so that a litigant has to request that the government
29 cooperate with service of process. This voids the judicial department and courts of
30 their power and erodes separation of power. In this case, the non-judicial government
31 entities and persons have failed the Plaintiff, and Plaintiff seeks to use the judicial
32 department as a check-and-balance against these government defendants. To require
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1 that the government defendants cooperate and voluntarily consent to service of
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3 process would erode the separation of powers in Article 3 and make the provisions of
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5 the constitution “optional” in violation of Article 2 § 32.
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7 17. The Plaintiff’s right to due process under Article 2 § 4 exceeds the
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9 government defendant’s right to due process, pursuant to Article 2 § 1 and Article 2 §
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11 2. The Plaintiff’s right to serve his complaint exceeds the government’s right to
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13 receive service pursuant to arbitrary civil procedure. An indigent litigant’s right to
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15 due process is violated by A.R.S. § 39-123(A) and Civil Procedure Rule 4.1(d),
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17 having to guess the meaning of the court rules and having to guess how to serve the
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19 defendants, when the defendants have certain privacy interests in protecting the home
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21 addresses from disclosure. Additionally, it should be noted that it is culturally
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23 inappropriate for a non-friend to contact a peace officer at his personal residence, and
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25 the peace officer would have reason to be alarmed at a citizen contacting them at their
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27 personal residence. A reasonable litigant would fear retaliation from a peace officer
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29 taking such contact personal and having a motive to retaliate against the litigant.
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33 18. Plaintiff asserts that Article 2 § 8 is violated by expecting litigants to
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35 invade the privacy of peace officers by expecting them to personally serve the peace
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37 officers at their personal residences.
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39 CONCLUSION

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42 19. In conclusion, Plaintiff has more rights than Defendants. Plaintiff has a
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44 constitutional right to sue under the Arizona Constitution, not excluding Article 2 § 1
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46 and Article 2 § 2. Defendants have agreed to all the of the provisions of the Arizona
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1 Constitution, including all of Article 2, which does not exclude any department of
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3 government. Defendants have a duty to treat indigent litigants equally under Article 2
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5 § 13. Defendants have a duty to administer justice “without unnecessary delay” (not
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7 “without unreasonable delay”) under Article 2 § 11. Rule 1 requires the court to
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9 construe rules to “secure the just, speedy, and inexpensive determination of every
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11 action and proceeding”, and Defendants seek to require Plaintiff to hire a private
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13 investigator to find the personal residence address of government defendants. In
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15 requiring Plaintiff to hire a private investigator, which costs money, Defendants have
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17 prejudiced Plaintiff, an indigent litigant from equality under the law. The court rules
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19 make it impossible for an indigent litigant to understand how to properly serve peace
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21 officers, and protect themselves from cultural offenses and retaliation due to personal
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23 service upon defendants at their personal residences, which violate Article 2 § 4 due
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25 process. Additionally, requiring that the government defendants voluntarily consent to
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27 service of process violates Article 2 § 9 by giving the government immunity, Article 3
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29 by piercing separation of power, and making the provisions of the Arizona
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31 Constitution optional in violation of Article 2 § 32.
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36 20. The only power of the judicial department is from the motivations from the
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38 consequences of the judicial department. The only way to require the defendants to
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40 participate in this lawsuit is to motivate them with a default judgment.
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42 **REQUEST FOR RELIEF**

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44 21. The Defendants were required to respond on or before 11 June 2025.
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46 Plaintiff filed an application for entry of default on 28 May 2025. Pursuant to Civil
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1 Procedure Rule 55(a)(4), the Defendants had 10 days from 28 May 2025 to defend
2 this civil action or be in default. Pursuant to Civil Procedure Rule 6(a)(2), the
3 deadline to defend or be in default is 11 June 2025.
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7 22. Plaintiff hereby requests that a default be entered against Defendants
8 OFFICER CARON (#517), OFFICER TRUJILLO, SGT. GERLACH, LT. NOVAK,
9 OFFICER BRAMBILA, and CHIEF BONNEY, should they not have defended on or
10 before 11 June 2025.
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15 23. Plaintiff preserves any denial of this entry of default for appeal.
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18 **RULE 4.1(k) MOTION FOR ALTERNATIVE SERVICE**
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20 24. Plaintiff maintains and asserts that, should the Defendant Officers not have
21 defended on or before 11 June 2025, they have defaulted. Plaintiff primarily requests
22 entry of default, but secondarily moves for alternative means of service, pursuant to
23 Civil Procedure Rule 4.1(k). On 5 June 2025, Plaintiff asked Defense counsel, Mr.
24 James Jellison, if peace officers would be open to voluntarily accepting service of
25 process. Defense counsel has not offered to voluntarily accept service of process for
26 the peace officers. As the Court can see, Mr. Jellison made a limited appearance on
27 behalf of the peace officers already in their 5 June 2025 filing. As the Court can see,
28 Defense counsel is comfortable with accepting e-mails from Plaintiff in our 8 June
29 2025 “STIPULATION RE CONSENT FOR ESERVE”
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41 25. Plaintiff moves the Court to approve, pursuant to Rule 4.1(k), for the
42 Plaintiff to serve Defendant Officers via e-mail to Counsel, Mr. James Jellison, at
43 jim@jellisonlaw.com , the complaint and summons. (order attached)
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A copy of this will be sent to:

jim@jellisonlaw.com

rebecca@jellisonlaw.com

Submitted respectfully this day, 11 June 2025,

/s/Eli Dalton-Webb

Eli Dalton-Webb, *Plaintiff*