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6 *Counsel for Defendants City of Prescott, Officer Caron, Officer Trujillo, Sgt. Gerlach,*  
7 *Lt. Novak, Officer Brambila, and Chief Bonney*

8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

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

11 ELI DALTON-WEBB,

12 Plaintiff,

13 v.

14 CITY OF PRESCOTT, a municipal  
15 corporation in Arizona; OFFICER  
16 CARON (#517); OFFICER TRUILLO;  
17 SGT. GERLACH; LT. NOVAK;  
18 OFFICER BRAMBILA; CHIEF  
19 BONNEY, peace officers of the Prescott  
Police Department, JOHN DOESI-X;  
20 JANE DOES I-X; ABC  
CORPORATIONS 8-X; XYZ  
21 PARTNERSHIPS I-X; UNKNOWN  
ENTITIES I-X,

22 Defendants.  
23

Case No. S1300CV202500445

**RESPONSE TO LIMITED  
APPEARANCE DEFENDANTS TO  
PLAINTIFF'S APPLICATION FOR  
ENTRY OF DEFAULT**

(Assigned to Honorable Kristyne M. Schaaf-  
Olson)

24 Defendants Officer Caron, Officer Trujillo, Sgt. Gerlach, Lt. Novak, Officer  
25 Brambila, and Chief Bonney, through undersigned counsel, having entered a limited and  
26 special appearance for the sole purpose of objecting to personal jurisdiction, hereby submit  
27 this Response to Plaintiff's Application for Entry of Default, requesting that due to  
28 insufficiency of service and the absence of personal jurisdiction, that the Plaintiff's pending

1 Application for Entry of Default be denied as to the limited and special appearance  
2 individual Defendants.

3 “Proper, effective service on a defendant is a prerequisite to a court's exercising  
4 personal jurisdiction over the defendant.” *Barlage v. Valentine*, 210 Ariz. 270, 272, ¶ 4,  
5 110 P.3d 371, 373 (App. 2005). Arizona Rule of Civil Procedure 4.1(d) outlines the  
6 requirements of service of process of an individual as follows:

7 [A]n individual may be served by: (1) delivering a copy of the summons  
8 and the pleading being served to that person individually; (2) leaving a  
9 copy of each at that individual’s dwelling or usual place of abode with  
10 someone of suitable age and discretion who resides there; or (3)  
11 delivering a copy of each to an agent authorized by appointment or by  
law to receive service of process.

12 “For purposes of service of process, an authorized agent is a person who has actual  
13 authority to accept service or who has apparent authority to do so *based on the principal's*  
14 *actions.*” *Stanwitz v. Reagan*, 245 Ariz. 344, 351 (2018), *as amended* (Nov. 27, 2018)  
15 (emphasis added). *Stanwitz*, in turn, relies on *Kline v. Kline*, 221 Ariz. 564, 570 ¶ 20 (App.  
16 2009) which makes clear that the principal/defendant must provide the authority, or it must  
17 be implied to “the extent of authority the [principal/defendant] intended to confer.” For  
18 example, in Arizona, “[a]n attorney retained by an individual does not automatically  
19 qualify as an agent authorized by appointment to receive service on the individual's behalf.”  
20 *Kline, id., citing Rotary Club of Tucson v. Chaprales Ramos de Pena*, 160 Ariz. 362, 365  
21 (App.1989). Similarly, in *Melton v. Superior Court in and for Gila County*, 154 Ariz. 40,  
22 42 (App. 1987), the court held that service of a complaint on an individual defendant’s  
23 employer was insufficient service, even if the employer provided copies to the  
24 employee/defendants that same day.

25 Here, Plaintiff’s Certificate of Affidavit shows only service on “Tori, Deputy  
26 Clerk.” (Exhibit A, Plaintiff’s Certificate of Service). While service on the City Clerk’s  
27 Office is effective service on the City of Prescott, a municipal corporation, the Clerk’s  
28 Office is not authorized to accept service on behalf of the individual Defendants who are

1 now challenging personal jurisdiction based on insufficiency of service. (Exhibit B hereto,  
2 Affidavit of Sarah M. Siep).

3 Because this Court does not have personal jurisdiction over Officer Caron, Officer  
4 Trujillo, Sgt. Gerlach, Lt. Novak, Officer Brambila, and Chief Bonney due to insufficiency  
5 of service of process, it cannot enter default against them.

6 DATED this 5th day of June, 2025.

7 JELLISON LAW OFFICES, PLLC

8  
9 /s/ James M. Jellison

10 James M. Jellison, Esq.

11 *Counsel Defendants Caron, Trujillo,  
12 Gerlach, Novak, Bramila, and Bonney*

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**CERTIFICATE OF FILING & SERVICE**

I hereby certify that on June 5, 2025. I electronically transmitted the attached document to the Clerk’s Office using the TurboCourt System for filing with e-service and mail on the following:

Eli Dalton-Webb  
5009 E. Ironwood Circle  
Sierra Vista, Arizona 85650  
E: [dw4az@proton.me](mailto:dw4az@proton.me)  
*Plaintiff pro se*

By: /s/ Rebecca L. Craft