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Attorneys for Plaintiff/Counter-Defendant HT4

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF LA PAZ

RODNEY ELLWOOD SCHLESENER,
an unmarried man and Arizona resident
doing business as "HT4,"

Plaintiff/Counter-Defendant,

vs.

LANDARIZONA/JAK LLC, an Arizona
limited liability company,

Defendant/Counterclaimant.

Case No.: S1500CV202400045

**PLAINTIFF/COUNTER-
DEFENDANT'S RESPONSES TO
DEFENDANT/COUNTERCLAIMANT'S
REQUESTS FOR ADMISSION**

(Tier 2 case)

**(Assigned to the Honorable
Marcus Kelley)**

REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Arizona Rules of Civil Procedure (ARCP), Plaintiff Rodney Ellwood Schlesener, doing business as "HT4", through undersigned counsel, responds to the Defendant/Counterclaimant's Requests for Admission as follows. These responses are made in good faith and are intended to clarify the issues at hand in this matter.

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Admit_____ **Deny** X

Objection/s: “Proposal” is not defined. HT4 admits that Land Arizona/JAK LLC and Boomer Schlesener are named in proposals dated July 5, 2023.

REQUEST FOR ADMISSION NO. 2:

Admit that each of the Proposals contains the following language: "Any alteration or deviation from above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate."

Admit_____	Deny X
<p>Objection/s: “Proposal” is not defined. HT4 admits that the proposals identified in the objection to Request for Admission No. 1 include the quoted language.</p>	

REQUEST FOR ADMISSION NO. 3:

Admit that LandArizona did not sign any written order containing an alteration or deviation from the specifications set forth in any of the three Proposals.

Admit _____ Deny X

Objection/s: "Proposal" is not defined. HT4 admits that Land Arizona/JAK did not issue a written change order.

REQUEST FOR ADMISSION NO. 4:

Admit that HT4 filled out, dated, signed, and subsequently transmitted to
LandArizona the October 4 Conditional Final.

Admit_____	Deny X
<p>Objection/s: The Request is vague and ambiguous as “filled out” is neither a term of art or a legal term and could mean many things. The document at issue is not adequately identified, either.</p>	

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Conditional Final.

Admit_____ **Deny X**

Objection/s: The Request is vague and ambiguous as “filled out” is neither a term of art or a legal term and could mean many things. The document at issue is not adequately identified, either.

REQUEST FOR ADMISSION NO. 6:

Admit that HT4 filled out, dated, signed, and transmitted to LandArizona the October 11 Conditional Final.

Admit _____ Deny _____

Objection/s: The Request is vague and ambiguous as “filled out” is neither a term of art or a legal term and could mean many things. The document at issue is not adequately identified, either.

REQUEST FOR ADMISSION NO. 7:

Admit that LandArizona did not fill out any portion of the October 11 Conditional Final.

Admit_____ **Deny** X

Objection/s: The Request is vague and ambiguous as “filled out” is neither a term of art or a legal term and could mean many things. The document at issue is not adequately identified, either.

REQUEST FOR ADMISSION NO. 8:

Admit that HT4 obtained from a source other than LandArizona the blank version of the October 4 and October 11 Conditional Final that appears Plaintiff's Rule 26.1 Disclosure Statement at Bates Label Number HT4000041, and which appears at **Exhibit A** hereto.

1 Admit_____ Deny X

2 **Objection/s:** The Request is ambiguous. If the intent of the Request is to ask
3 whether HT4 created the form of lien waiver, the answer is "No."

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that the section of the October 11 Conditional Final that states
6 **"Exceptions** – This document does not affect any of the following: Disputed claims
7 for extras in the amount of: \$" is blank, with no handwritten or typed information of
8 any kind. See **Exhibit A**.

9 Admit_____ Deny X

10 **Objection/s:** The Request does not identify what "the section" is. However, HT4
11 admits that there is a section entitled "Exceptions" that includes the quoted
12 language.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that LandArizona paid and HT4 received and retained LandArizona's
15 payment of \$25,010.34 set forth on the October 11 Conditional Final.

16 Admit_____ Deny X

17 **Objection/s:** The Request does not identify the document at issue. HT4 admits that
18 it received payment of \$25,010.34 a payment for the base Contract work.

19 **RESPECTFULLY SUBMITTED** this 7th day of October, 2024.

20 **WHEELER LAW GROUP, PLLC**

21 /s/ Julianne C. Wheeler

22 Julianne C. Wheeler

23 Attorneys for Plaintiff/Counter-Defendant HT4
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COPY of the foregoing **EMAILED** this
7th day of October, 2024, to:

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