

Julianne C. Wheeler (No. 011795)
E-mail: jcw@wheelerlawgroup.law
WHEELER LAW GROUP, PLLC
1490 South Price Road, Suite 203
Chandler, Arizona 85286-8600
Telephone: 602-885-7485

AZTurboCourt E-service and
Court Documents: docket@wheelerlawgroup.law

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.

1 **REQUEST FOR ADMISSION NO. 1:**

2 Admit that HT4 and LandArizona are the exclusive parties to all three
3 Proposals.

4 **Admit**_____ **Deny** X

5 **Objection/s:** HT4 admits that Land Arizona/JAK LLC and Boomer Schlesener are
6 named in proposals dated July 5, 2023.

7 **REQUEST FOR ADMISSION NO. 2:**

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

11 **Admit** X **Deny** _____

12 **Objection/s:**

13 **REQUEST FOR ADMISSION NO. 3:**

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

16 **Admit** X **Deny** _____

17 **Objection/s:**

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

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

21 **Admit**_____ **Deny** X

22 **Objection/s:** The Request is vague and ambiguous as "filled out" is neither a term
23 of are or a legal term and could mean many things.

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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.

REQUEST FOR ADMISSION NO. 6:

Admit _____ Deny _____

REQUEST FOR ADMISSION NO. 7:

Admit_____ **Deny X**

REQUEST FOR ADMISSION NO. 8:

Admit_____ **Deny** X

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

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“Exceptions – This document does not affect any of the following: Disputed claims for extras in the amount of: \$” is blank, with no handwritten or typed information of any kind. See **Exhibit A**.

Objection/s: The Request does not identify what “the section” is. However, HT4 admits that there is a section entitled “Exceptions” that includes the quoted language.

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

Objection/s: HT4 admits that it received payment of \$25,010.34 a payment for the base Contract work.

WHEELER LAW GROUP, PLLC

/s/ Julianne C. Wheeler
Julianne C. Wheeler
Attorneys for Plaintiff/Counter-Defendant HT4

COPY of the foregoing **EMAILED** this
10th day of October, 2024, to:

Roger C. Decker
James B. Reed
UDALL SHUMWAY PLC
1138 North Alma School Road, Suite 101
Mesa, Arizona 85201
rcd@udallshumway.com
jbr@udallshumway.com
docket@udallshumway.com
Attorneys for *Defendant/Counterclaimant*
LANDARIZONA/JAK LLC,

/s/ T. Chavez
Thomas M. Chavez
Paralegal