

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0474

WALDREP v. STATE, et al.

Appellate Case Information

Case Filed: 1-Jul-2025
Case Closed:

Dept/Composition

Consolidated with: [1 CA-CV 25-0052](#)

Side 1. ROGER DARRYL WALDREP, Plaintiff/Appellant

(Litigant Group) ROGER DARRYL WALDREP

- Roger Darryl Waldrep PRO SE

Side 2. STATE OF ARIZONA, et al., Defendant/Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona **Attorneys for: Defendant/Appellee**
Michael R Niederbaumer, Esq. (AZ Bar No. 31931)
Sean M Moore, Esq. (AZ Bar No. 31621)

(Litigant Group) MARICOPA COUNTY

- Maricopa County **Attorneys for: Defendant/Appellee Mar Cty**
Joseph I Vigil, Esq. (AZ Bar No. 18677)
Anna Critz, Esq. (AZ Bar No. 34530)

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-027898	Negligence		Jennifer C Ryan-Touhill, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-25-0207-PR

3 OPEN DUE DATES

Response to Motion Due **Due By:** Tuesday, June 2, 2026

Re: FILED: Joinder of Maricopa County Defendant in Plaintiff's Motion to Strike Untimely Answering Brief of State Defendant, Filed 05/06/2026, as Unauthorized by A.R.C.A.P. r. 15(e) (2) (Appellant Pro Per)

Reply to Motion Due **Due By:** Tuesday, June 2, 2026

Re: FILED: Response to Motion to Strike Answering Brief; Certificate of Service (Appellee State)

Reply to Motion Due **Due By:** Tuesday, June 2, 2026

Re: FILED: Maricopa County's Response to Motion to Strike; Certificate of Service Re: Maricopa County's Response to Motion to Strike (Appellee Maricopa)

4 PENDING MATTERS

Div 1 Request for Oral Argument Filed: 28-Apr-2026
Motion for A.R.C.A.P.R. 18 Oral Argument (Appellant Pro Per)

General Motion Filed: 11-May-2026
** (Two Page Version R. 7.1) Plaintiff's Motion to Strike State Defendants' Answering Brief, Filed Untimely by Rule of Law A.R.C.A.P. 15 (A)(2); (e)(1), (2); is not Authorized; Striken*

General Motion Filed: 11-May-2026
** Plaintiff's Motion to Strike State Defendants' Answering Brief, Filed Untimely by Rule of Law A.R.C.A.P. 15 (a)(2); (e)(1), (2); is not Authorized; Striken*

General Motion Filed: 18-May-2026
Joinder of Maricopa County Defendant in Plaintiff's Motion to Strike Untimely Answering Brief of State Defendant, Filed 05/06/2026, as Unauthorized by A.R.C.A.P. r. 15(e) (2) (Appellant Pro Per)

62 PROCEEDING ENTRIES

- 9-Jun-2025 FILED: Motion for Appointment of Counsel Due to Exceptional Circumstances; Fraud by Court (Appellant Pro Per)
- 9-Jun-2025 FILED: Motion to Continue the Stay and Consolidate into Final Judgment 05/15/2025 Appeal (Appellant Pro Per)
- 1-Jul-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/02/25

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4. 1-Jul-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
5. 2-Jul-2025 ORDERED: Assessing appellant first time payment of \$66.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Appellant's Case Management Statement due 07/22/2025 and Opening Brief due 09/02/2025. FURTHER ORDERED: Copy of this order to Arizona Department of Corrections, Rehabilitation & Reentry, and copy of order and case management statement form to appellant personally. Matthew J Martin - Author
6. 3-Jul-2025 ORDERED: consolidating cases 1 CA-CV 25-0052 and 1 CA-CV 24-0474 [sic]. FURTHER ORDERED: Motion to Continue the Stay and Consolidate into Final Judgment 05/15/2025 Appeal (Appellant Pro Per) = DENIED and lifting the stay of 1 CA-CV 25-0052. FURTHER ORDERED: Motion for Appointment of Counsel Due to Exceptional Circumstances; Fraud by Court (Appellant Pro Per) = DENIED. FURTHER ORDERED: case management statement for 1 CA-CV 25-0474 is due 7/22/25 and the opening brief in this consolidated appeal is due 9/2/25. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
7. 11-Jul-2025 FILED: Motion; Demand for Required Hearing within 7 Days, ArizR Civ. PR.5d(d), Filed Jan. 13,2025 by Equity Law and Rights (Appellant Pro Per)
8. 11-Jul-2025 FILED: Motion; Pursuant to Supreme Court Rule 2.15; Demand for Appropriate Action; Granting Injunctions Requested (Demand Hearing by Equity Law) (Incorporating Motion Rule 2.15) (Appellant Pro Per)
9. 11-Jul-2025 FILED: Motion to Compel Appeals Court to Grant Summary Judgment for Plaintiff; Filed 01/13/2025, Pursuant to ArizRCivPR.56(e); Rule 8; U.S and Arizona Constitutions and Demand for Equal Protections Under Law and Equity (Set Hearing) (Appellant Pro Per)
10. 11-Jul-2025 FILED: Motion Invoking Code of Judicial Conduct Rule 2.15 and Law: Judge to Accept Felony Criminal Complaint for Referral to U.S Attorney (Incorporating Felony Complaint) (Appellant Pro Per)
11. 11-Jul-2025 FILED: Motion Invoking ArizRCivPR.65; Preliminary Injunction with or without Notice, by Expedited Hearing; and ArizR.Civ.App.PR. 7(c) (Set Oral Argument) (Appellant Pro Per)
12. 11-Jul-2025 FILED: Motion Invoking ArizR.C.PR. 65 Preliminary Injunction or Temporary Restraining Order, with or without Notice by Expedited Hearing; and Ariz.R.Civ.App.P Rule 7(c); Against Orders filed 04/07/2025; 05/15/2025 (Set Hearing) (Appellant Pro Per)
13. 11-Jul-2025 FILED: Case Management Statement (Appellant Pro Per)
14. 11-Jul-2025 FILED: Legal Document to the Clerk of Arizona Court of Appeals Division One (Appellant Pro Per)
15. 11-Jul-2025 FILED: Appendix to Motions Filed 07/08/2025 (Appellant Pro Per)
16. 11-Jul-2025 FILED: Affidavit for Roger Daryl Waldrep Filing Felony Criminal Complaint (Appellant Pro Per)
17. 16-Jul-2025 ORDERED: Motion to Compel Appeals Court to Grant Summary Judgment for Plaintiff; Filed 01/13/2025, Pursuant to ArizRCivPR.56(e); Rule 8; U.S and Arizona Constitutions and Demand for Equal Protections Under Law and Equity (Set Hearing) (Appellant Pro Per) = DENIED motion to Compel Appeals Court to Grant Summary Judgment for Plaintiff without prejudice to appellant raising any proper arguments in the opening brief. FURTHER ORDERED: Motion; Demand for Required Hearing within 7 Days, ArizR Civ. PR.5d(d), Filed 01/13/2025 by Equity Law and Rights (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion Invoking Code of Judicial Conduct Rule 2.15 and Law: Judge to Accept Felony Criminal Complaint for Referral to U.S Attorney (Incorporating Felony Complaint) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion; Pursuant to Supreme Court Rule 2.15; Demand for Appropriate Action; Granting Injunctions Requested (Demand Hearing by Equity Law) (Incorporating Motion Rule 2.15) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion Invoking ArizRCivPR.65; Preliminary Injunction with or without Notice, by Expedited Hearing; and ArizR.Civ.App.PR. 7(c) (Set Oral Argument) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion Invoking ArizR.C.PR. 65 Preliminary Injunction or Temporary Restraining Order, with or without Notice by Expedited Hearing; and Ariz.R.Civ.App.P Rule 7(c); Against Orders filed 04/07/2025; 05/15/2025 (Set Hearing) (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author
18. 29-Jul-2025 FILED: Notice of Appearance; Certificate of Service of Appellee's Notice of Appearance (Appellee)
19. 7-Aug-2025 FILED: Email Notice from ASC re: Petition for Review filed 08/04/2025; request for partial record
20. 7-Aug-2025 FILED: Letter forwarding partial record to Arizona Supreme Court
21. 11-Aug-2025 FILED: Motion for Ariz R. Civ. P. R. 6 (b); (1); (A) Extending Time (Appellant Pro Per)
22. 13-Aug-2025 ORDERED: Motion for Ariz R. Civ. P. R. 6 (b); (1); (A) Extending Time (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 09-02-2025 to Friday, 10-17-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
23. 2-Sep-2025 FILED: Motion for Expedited Civ.R.P Rule 65 Temporary Restraining Order or Preliminary Injunction, with or without Notice, by Expedited Hearing and Ariz.R.Civ.App.P Rule 7 (c) (Set Oral Argument - Order for Immediate Release (Appellant Pro Per)
24. 2-Sep-2025 FILED: Motion to Compel Court to Grant Civ.R. 58 on Defaulted Civil Actions; Rule 60, Filed 12/21/2023; Rule 55 Default Judgment Filed 03/12/2024; Motion for Arrest of Judgment and Order for Release; Jan 24; Rule 58 Filed 03/19/2025 (Appellant Pro Per)
25. 2-Sep-2025 FILED: Appendix to Motions filed 08/25/2025 (Appellant Pro Per)

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26. 22-Sep-2025 FILED: Notice of Change of Judge Ariz. R. Civ. P 42(f)(1)(A) (Appellant Pro Per)
[Stricken per order filed 09/24/2025]
27. 22-Sep-2025 FILED: Motion for Stay Pursuant to Ariz. R. Civ. App. P Rule 7(c), Pending Decisions in Ariz. Supreme Court (Appellant Pro Per)
[Stricken per order filed 09/24/2025]
28. 24-Sep-2025 ORDERED: Striking the Notice of Change of Judge and Motion for Stay Pursuant to Ariz. R. Civ. App. P. Rule 7(c), Pending Decisions in Ariz. Supreme Court both filed on 09/22/2025. Steven C Lawrence ProTem Judge - Author
29. 3-Oct-2025 FILED: Motion for Stay Pursuant to Ariz. R. Cv.App.P Rule 7(c), Pending Decisions in Ariz. Supreme Court (Appellant Pro Per)
30. 3-Oct-2025 FILED: Notice of Change of Judge Ariz.R.Civ.P 42(f)(1)(A) (Appellant Pro Per)
31. 6-Oct-2025 ORDERED: Vacating the 10/17/2025 due date for the opening brief. The order ruling on the pending motion will address the briefing schedule. Melina Brill ProTem Judge - Author
32. 7-Oct-2025 ORDERED: Notice of Change of Judge Ariz.R.Civ.P 42(f)(1)(A) (Appellant Pro Per) = DENIED relief requested in the notice. Hon David D Weinzwieg - Author
33. 10-Oct-2025 FILED: ASC Order Filed 10/10/2025 re: Motion for Order of Interlocutory Stay Denied.
34. 27-Oct-2025 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellee)
35. 28-Oct-2025 ORDERED: Motion for Stay Pursuant to Ariz. R. Cv.App.P Rule 7(c), Pending Decisions in Ariz. Supreme Court (Appellant Pro Per) = GRANTED. FURTHER ORDERED: Staying this appeal until after the Arizona Supreme Court issues a decision on the petitions for review in CV-25-0207-PR. Within 20 calendar days after the Arizona Supreme Court issues a decision, appellant shall file written notice of the decision in this appeal. Melina Brill ProTem Judge - Author
36. 7-Jan-2026 FILED: Letter from ASC, 01/07/2026, re: Petition(s) for Review DENIED on 01/06/2026
37. 14-Jan-2026 FILED: ASC Order filed 01/14/2026 re: Denying Petitioner's motion for reconsideration and closing case number CV-25-0207-PR and no further filings will be accepted in this matter.
38. 29-Jan-2026 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due by 03/10/2026. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
39. 2-Feb-2026 FILED: Motion Requesting Notice of New Due Date for Opening Brief; as Supreme Court Closed Case No. CV-25-0207-PR Filed 01/14/2026 (Appellant Pro Per)
40. 3-Feb-2026 ORDERED: Motion Requesting Notice of New Due Date for Opening Brief; as Supreme Court Closed Case No. CV-25-0207-PR Filed 01/14/2026 (Appellant Pro Per) = GRANTED. Opening Brief Due 03/10/2026. Melina Brill ProTem Judge - Author
41. 9-Mar-2026 FILED: Plaintiff's Opening Brief Appealing All Rulings Made in Case. CV2024-027898 (Appellant Pro Per)
42. 10-Mar-2026 FILED: Plaintiff's Opening Brief Appealing All Rulings Made in Case. CV2024-027898 (Duplicate) (Appellant Pro Per)
43. 10-Mar-2026 FILED: Letter, 3/10/26, from Appellant to Court, requesting copy of docket
44. 10-Mar-2026 FILED: Motion for Ariz.R.Civ.P R.65 Temporary Restraining Order or Preliminary Injunction and A.R.C.A.P Rule 7(c) (Demand Public Hearing) (Appellant Pro Per)
45. 12-Mar-2026 ORDERED: Motion for Ariz.R.Civ.P R.65 Temporary Restraining Order or Preliminary Injunction and A.R.C.A.P Rule 7(c) (Demand Public Hearing) (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author
46. 16-Mar-2026 FILED: Motion for Date and Time of Mandatory Emergency Restraining Order Show Cause Hearing Under Civil Rule 65 (Expedited Hearing Requiring) (Appellant Pro Per)
47. 18-Mar-2026 ORDERED: Motion for Date and Time of Mandatory Emergency Restraining Order Show Cause Hearing Under Civil Rule 65 (Expedited Hearing Requiring) (Appellant Pro Per) = DENIED all relief requested in the motion. Hon Randall M Howe - Author
48. 23-Mar-2026 FILED: Letter, 3/23/26, from Court to Appellant, enclosing copy of docket
49. 15-Apr-2026 FILED: Change of Address Notice (Appellant Pro Per)
50. 22-Apr-2026 FILED: Reply to Defendant's Answer to Opening Brief and Request for A.R.A.C.P. [sic] Rule 18 Oral Argument (Appellant Pro Per)
51. 27-Apr-2026 FILED: State Defendants' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee State)
52. 27-Apr-2026 FILED: Maricopa County's Joinder in the State Defendants' Answering Brief; Certificate of Compliance Re: Maricopa County's Joinder in the State Defendants' Answering Brief; Certificate of Service (Appellee Maricopa)
53. 28-Apr-2026 FILED: Motion for A.R.C.A.P R. 18 Oral Argument (Appellant Pro Per)

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- 54. 28-Apr-2026 FILED: Motion Requesting Copies of All Filings from Court or Defendants Since 03/30/2026 to Be Mailed to Plaintiff's New Address Listed Above (Appellant Pro Per)
- 55. 5-May-2026 FILED: Letter, 5/5/26, from Court to Appellant, re: copy request
- 56. 11-May-2026 FILED: Duplicate Copy, Plaintiff's Opening Brief Appealing All Rulings Made in Case CV2024-027898 (Appellant Pro Per)
- 57. 11-May-2026 FILED: Plaintiff's Motion to Strike State Defendants' Answering Brief, Filed Untimely by Rule of Law A.R.C.A.P. 15 (a)(2); (e)(1), (2); is not Authorized; Striken [sic] by R.7.1 (f)(d) (Appellant Pro Per)
- 58. 11-May-2026 FILED: (Two Page Version R. 7.1) Plaintiff's Motion to Strike State Defendants' Answering Brief, Filed Untimely by Rule of Law A.R.C.A.P. 15 (A)(2); (e)(1), (2); is not Authorized; Striken [sic] by R.7.1 (f)(d) (Appellant Pro Per)
- 59. 13-May-2026 ORDERED: Vacating the due date for the reply brief. The order ruling on the pending motions to strike will set a due date to file the reply brief if the motion is denied. Melina Brill ProTem Judge - Author
- 60. 18-May-2026 FILED: Joinder of Maricopa County Defendant in Plaintiff's Motion to Strike Untimely Answering Brief of State Defendant, Filed 05/06/2026, as Unauthorized by A.R.C.A.P. r. 15(e) (2) (Appellant Pro Per)
- 61. 26-May-2026 FILED: Response to Motion to Strike Answering Brief; Certificate of Service (Appellee State)
- 62. 26-May-2026 FILED: Maricopa County's Response to Motion to Strike; Certificate of Service Re: Maricopa County's Response to Motion to Strike (Appellee Maricopa)