

COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTERS MITH



ARIZONA CORPORATION COMMISSION



04704499
JULI JERON
Executive Director

PATRICIA L. BARFIELD
Director
Corporations Division

Date 06/24/2014

GROWERS MARKET, INC.
1150 W. BASELINE RD
PHOENIX, AZ 85041

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 06/24/2014 as agent for **GROWERS MARKET, INC.** :

Case caption: **UNITED SERVICES AUTOMOBILE ASSOCIATION V. GROWERS MARKET, INC.,**
Case number: 2014082230 Court: **MARICOPA COUNTY, MCDOWELL MOUNTAIN JUSTICE COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☐ Other

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda B. Griffin", written over a horizontal line.
Lynda B. Griffin
Custodian of Records

Initials PTG
File number 07554962

COMMISSIONERS
BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTERSMTIH



ARIZONA CORPORATION COMMISSION

JODI JERICH
Executive Director

PATRICIA L. BARFIELD
Director, Corporations Division

CERTIFICATE OF MAILING

Date: **06/24/2014**

I, **PETER GRAHAM** am an employee of the Arizona Corporation Commission ("ACC"). I hereby certify that on the **24TH** day of **JUNE, 2014**, I received on behalf of the ACC service of the following documents upon the ACC as agent for **GROWERS MARKET, INC.**

Case caption: **UNITED SERVICES AUTOMOBILE ASSOCIATION v. GROWERS MARKET, INC.**

Case number: **2014082230**

Court: **MARICOPA COUNTY, MCDOWELL MOUNTAIN JUSTICE COURT**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Summons | <input type="checkbox"/> Default Judgment |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Judgment |
| <input type="checkbox"/> Subpoena | <input type="checkbox"/> Writ of Garnishment |
| <input type="checkbox"/> Subpoena Duces Tecum | |
| <input type="checkbox"/> Motion For Summary Judgment | |
| <input type="checkbox"/> Motion for | |
| <input type="checkbox"/> Other | |

I hereby certify that on the **24TH** day of **JUNE, 2014**, I placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to

GROWERS MARKET, INC.

at its last known place of business as follows:

**1150 W. BASELINE RD
PHOENIX, AZ 85041**

OR

I hereby certify that I was unable to mail the above listed documents to

because that entity is not a registered corporation or limited liability company in the State of Arizona, and the Arizona Corporation Commission has no record of its known place of business.

I declare and certify under penalty of perjury that the foregoing is true and correct.

Executed on this date: **06/24/2014**

(signature) _____

File No. 26-1234
Marc S. Gladner #004751
G. Lee Crosby, Jr., #009441
CROSBY & GLADNER P.C.
1700 East Thomas Road, Suite 101
Phoenix, Arizona 85016
(602) 274-9100
msgladner@candglaw.com
Attorneys for Plaintiff

MCDOWELL MOUNTAIN
JUSTICE COURT
FILED

2014 MAY 13 PM 4:32



ORIGINAL

**IN THE JUSTICE COURT OF THE MCDOWELL MOUNTAIN PRECINCT
COUNTY OF MARICOPA, STATE OF ARIZONA**

18380 North 40th Street, Phoenix, Arizona 85032

UNITED SERVICES AUTOMOBILE
ASSOCIATION, a foreign corporation,

Plaintiff,

vs.

GROWERS MARKET, INC., an Arizona
corporation; JOHN DOES I-V, JANE DOES I-V
and ABC CORPORATIONS I-V,

Defendants.

NO. 2014082230

SUMMONS

THE STATE OF ARIZONA TO THE DEFENDANTS:

GROWERS MARKET, INC.

C/o Neal A. Brooks – Statutory Agent
4844 E. Tomahawk Trail
Paradise Valley, AZ 85253


1. You are summoned to respond to this complaint by filing an answer with this court and paying the court's required fee. If you cannot afford to pay the required fee, you may request the court to waive or to defer the fee.
2. If you were served with this summons within the State of Arizona, the court must receive your answer to the complaint within twenty (20) calendar days from the date you were served. If you were served outside the State of Arizona, the court must receive your Answer to the complaint within thirty (30) days from the date of service. If the last day is a Saturday, Sunday or a holiday, you will have until the next working day to file your answer. When calculating time, do not count the day you were served with the summons.
3. The Court is located at: 18380 North 40th Street, Phoenix, Arizona 85032.
4. Your answer must be in writing. (a) You may obtain an answer from the court listed above, or on the Self-Service Center of the Arizona Judicial Branch website

at <http://www.azcourts.gov.gov/> under the "Public Services" tab. (b) You may visit <http://www.azturbocourt.gov/> to fill in your answer form electronically; this requires payment of an additional fee. (c) You may also prepare your answer on a plain sheet of paper, but your answer must include the case number, the court location, and the names of the parties.

5. You must provide a copy of your answer to the plaintiff(s) or to the plaintiff(s) attorney(s).

IF YOU FAIL TO FILE A WRITTEN ANSWER WITH THE COURT WITHIN THE TIME INDICATED ABOVE, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU, AS REQUESTED IN THE PLAINTIFF(S) COMPLAINT.

Date: MAY 13 2014



Judge's Signature

REQUEST FOR REASONABLE ACCOMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT AS SOON AS POSSIBLE BEFORE A COURT PROCEEDING.

**NOTICE TO THE DEFENDANT:
A LAWSUIT HAS BEEN FILED AGAINST YOU IN JUSTICE COURTS**

You have rights and responsibilities in this lawsuit. Read this notice carefully.

1. In a justice court lawsuit, individuals have a right to represent themselves, or they may hire an attorney to represent them. A family member or a friend may not represent someone in justice court unless the family member or friend is an attorney. A corporation has a right to be represented by an officer of the corporation, and a limited liability company ("LLC") may be represented by a managing member. A corporation or an LLC may also be represented by an attorney.

If you represent yourself, you have the responsibility to properly complete your court papers and to file them when they are due. The clerks and staff at the court are not allowed to give you legal advice. If you would like legal advice, you may ask the court for the name and phone number of a local lawyer referral service, the local bar association, or a legal aid organization.

2. You have a responsibility to follow the Justice Court Rules of Civil Procedure ("JCRCP") that apply in your lawsuit. The rules are available in many public libraries, at the courthouse, and online at the Court Rules page of the Arizona Judicial Branch website, at <http://www.azcourts.gov/>, under the "AZ Supreme Court" tab.
3. A "plaintiff" is someone who files a lawsuit against a "defendant." You must file an answer or other response to the plaintiff's complaint in writing and within twenty (20) days from the date you were served with the summons and complaint (or thirty (30) days if you were served out-of-state.) If you do not file an answer within this time, the plaintiff may ask the court to enter a "default" and a "default judgment" against you. Your answer must state your defenses to the lawsuit. Answer forms are available at the courthouse, on the Maricopa County Justice Court website at <http://justicecourts.maricopa.gov/>, and on the Self-Service Center of the Arizona Judicial Branch website at <http://www.azcourts.gov/> under the "Public Services" tab. You may also prepare your answer on a plain sheet of paper, but your answer must include the court location, the case number and the names of the parties. You must provide to the plaintiff a copy of any document that you file with the court, including your answer.
4. You may bring a claim against the plaintiff if you have one. When you file your answer or written response with the court, you may also file your "counterclaim" against the plaintiff.
5. You must pay a filing fee to the court when you file your answer. If you cannot afford to pay a filing fee, you may apply to the court for a fee waiver or deferral, but you must still file your answer on time.
6. You may contact the plaintiff or the plaintiff's attorney and try to reach an agreement to settle the lawsuit. However, until an agreement is reached you must still file your answer and participate in the lawsuit. During the lawsuit, the court may require the parties to discuss settlement.
7. Within forty (40) days after your answer has been filed, you and the plaintiff are required to provide a disclosure statement to each other. The disclosure statement provides information about witnesses and exhibits that will be used in the lawsuit. A party may also learn more about the other side's case through discovery. Read the Justice Court Rules of Civil Procedure for more information about disclosure statements and discovery.
8. The court will notify you of all hearing dates and trial dates. You must appear at the time and place specified in each notice. If you fail to appear at a trial or a hearing, the court may enter a judgment against you. To assure that you receive these notices, you must keep the court informed, in writing, of your current address and telephone number until the lawsuit is over.

MCDOWELL MOUNTAIN
JUSTICE COURT
FILED

2014 MAY 13 PM 4:32

File No. 26-1234
Marc S. Gladner #004751
G. Lee Crosby, Jr., #009441
CROSBY & GLADNER P.C.
1700 East Thomas Road, Suite 101
Phoenix, Arizona 85016-7605
(602) 274-9100
msgladner@candglaw.com
Attorneys for Plaintiff

IN THE JUSTICE COURT OF THE MCDOWELL MOUNTAIN PRECINCT

COUNTY OF MARICOPA, STATE OF ARIZONA
18380 North 40th Street, Phoenix, Arizona 85032

UNITED SERVICE AUTOMOBILE
ASSOCIATION, a foreign corporation,

Plaintiff,

vs.

GROWERS MARKET, INC., an Arizona
corporation; JOHN DOES I-V, JANE DOES I-V,
ABC CORPORATIONS I-V,

Defendants.

NO. C2014082230

COMPLAINT
(Tort Non-Motor Vehicle)

COMES NOW the Plaintiff, by and through its attorneys, CROSBY & GLADNER, P.C., by
Marc S. Gladner and for its cause of action alleges as follows:

I

The Plaintiff UNITED SERVICES AUTOMOBILE ASSOCIATION is a foreign
corporation doing business in the State of Arizona, County Maricopa and that the acts
complained of herein occurred therein.

II

That Defendant is an Arizona corporation doing business in the State of Arizona, County
of Maricopa and that the acts complained of herein occurred therein. At all times relevant herein,
all Defendants are believed to have acted in the furtherance of the marital community of which
they are apart, and as agent, employee, or servant of said marital community, as well as in their
own behalf individually.

1700 East Thomas Road, Suite 101, Phoenix, Arizona 85016
Tel: (602) 274-9100 Fax: (602) 274-8300

III

That on or about the 26th day of November, 2012, Plaintiff's Insured Grower's Market, Inc. had in effect a policy of insurance with Plaintiff; said policy states that Plaintiff has the right to subrogation.

IV

That on or about the 26th day of November, 2012 Plaintiff's Insured was involved in a motor vehicle collision with non-party vehicles that resulted in Plaintiff's Insured's vehicle being damaged.

V

That on December 19, 2012 Plaintiff paid for damages to Defendant GROWERS MARKET, INC.'s vehicle as a result of the collision. Plaintiff then also sent a duplicate payment to Defendant GROWERS MARKET, INC. for the same vehicle damages on December 24, 2012 in error. As a result, the Defendants were overpaid and unjustly enriched in the amount of **SEVEN THOUSAND SEVEN HUNDRED EIGHTY-ONE & 39/100 DOLLARS (\$7,781.39)**.

VI

That after demand, Defendants have failed and refused to return the overpayment in the amount of **SEVEN THOUSAND SEVEN HUNDRED EIGHTY-ONE & 39/100 DOLLARS (\$7,781.39)** constituting a breach of contract of the insurance policy which Defendant had in effect with Plaintiff.

VII

That Defendants have made no attempt to reimburse or make restitution to Plaintiff.

VIII

That by reason of the above, Defendants have breached the insurance policy contract and been unjustly enriched and Plaintiff has been damaged in the sum of **SEVEN THOUSAND SEVEN HUNDRED EIGHTY-ONE & 39/100 DOLLARS (\$7,781.39)**.

IX

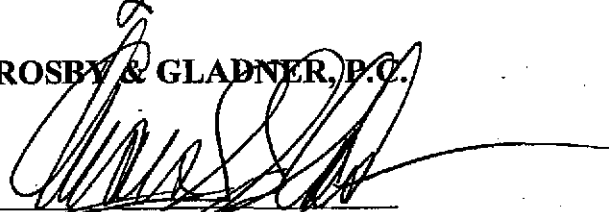
Plaintiff is entitled to pre-judgment interest at the legal rate from time of payment of the liquidated damages.

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For the sum of SEVEN THOUSAND SEVEN HUNDRED EIGHTY-ONE & 39/100 DOLLARS (\$7,781.39) as and for overpayment/unjust enrichment made to Defendant for repairs already paid for;
2. For Plaintiff's costs herein incurred and expended;
3. For pre-judgment interest at the highest legal rate from date of payment; and
4. For such other and further relief as the Court may deem just and proper.

DATED this 30 day of May, 2014

CROSBY & GLADNER, P.C.


Marc S. Gladner, Esq.
Attorney for Plaintiff

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

63 E. Pennington St., #102, Tucson, AZ 85702

2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client File # 26-1234

Account # 0147

Invoice # 216970

Liddy # 132376-1

MCDOWELL MOUNTAIN JUSTICE COURT

18380 N. 40th Street, Phoenix, AZ 85032

UNITED SERVICES AUTOMOBILE
ASSOCIATION,

Plaintiff,

vs

GROWERS MARKET, INC., et al.,

Defendant(s).

AFFIDAVIT OF ATTEMPTED SERVICE BY PRIVATE PROCESS SERVER

Case No. CC2014082230

STATE OF ARIZONA

County of Maricopa

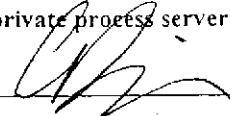
On 05/14/14 I received a Summons, Complaint and Notice to the Defendants, and in each instance I personally attempted to serve a copy of each document listed on those named below in the manner and at the time and place shown, that all attempts, except where noted were made within Maricopa County, Arizona.

Upon GROWERS MARKET, INC., c/o NEAL A. BROOKS, STATUTORY AGENT at 4844 E. Tomahawk Trail, Paradise Valley, AZ 85253; on 5/16/14 at 8:17am, Neal is not home at this time, per Felice Brooks, Wife; on 5/18/14 at 5:50pm, Neal is not home at this time, per Felice Brooks, who also stated that she is the Secretary, I left a courtesy copy of the documents with Felice Brooks; on 5/25/14 at 10:00am, no answer at the door, no vehicles; on 5/30/14 at 3:13pm, Neal and Felice are out of town, until next week, per Daughter, no vehicles; on 6/13/14 at 7:45am, Neal and Felice are out of town until Monday, per Employee; on 6/19/14 at 10:42am, no answer at the door, 1 vehicle (AZ #BGF1435), air compressor hose laying in the driveway. Sending back out for service to Arizona Corporation Commission, Authorized Agent, per the client's request.

Received from CROSBY & GLADNER, P.C., (MARC S. GLADNER #004751)

PROCESS SERVER: Corey W. Davis #8362

The undersigned states: That I am a certified private process server in the county of Maricopa and am an Officer of the Court.

SIGNATURE OF PROCESS SERVER:  Date: 6/23/2014

Item	Amount
Mileage	\$26.40
Mileage	\$26.40
Affidavit/Notary	\$10.00

Subscribed and sworn before me on 6/23/2014

Patricia Ann Mathers

Patricia Ann Mathers

Notary Public
My Commission Expires
January 5, 2015

Tax ID# 90-0533870

Total \$62.80

CORPORATIONS DIVISION
RECORDS SECTION
1300 West Washington
Phoenix, Arizona 85007-2929

User Id: PGRAHAM
Invoice No.: 4516729

Check Batch:
Invoice Date: 06/24/2014
Date Received: 06/24/2014
Customer No.:

ATTN:
(CASH CUSTOMER)

Quantity	Description	Amount
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1	SERVICE OF PROCESS -0755496-2 GROWERS MARKET, INC.	\$25.00
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Total Documents: \$		25.00
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PAYMENT	CHECK 0039	\$25.00
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Balance Due: \$		0.00
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Corporate Maintenance

06/24/2014

State of Arizona Public Access System

3:47 PM

File Number: -0755496-2

Corp. Name: GROWERS MARKET, INC.

Domestic Address
1150 W. BASELINE RD

PHOENIX, AZ 85041

Second Address

Agent: NEAL A BROOKS
Status: APPOINTED 10/29/2008
Mailing Address:
4844 E TOMAHAWK TRL

PARADISE VALLEY, AZ 85253
Agent Last Updated: 11/12/2008

Business Type: AGRICULTURE

Domicile: ARIZONA
County: MARICOPA
Corporation Type: PROFIT
Life Period: PERPETUAL
Incorporation Date: 10/04/1995
Approval Date: 10/04/1995
Last A/R Received: 11 / 2013
Date A/R Entered: 02/26/2014
Next Report Due: 11/04/2014

NO CORPORATIONS RECORD FOUND FOR THIS FILE NUMBER. (A010)

Joseph C. Gray

