



05224501

JODI JERICH  
Executive DirectorPATRICIA L. BARFIELD  
Director  
Corporations Division**COMMISSIONERS**SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE**ARIZONA CORPORATION COMMISSION**

Date August 20, 2015

**HELTON EXCAVATING, INCORPORATED**  
**PO BOX 9473**  
**SURPRISE, AZ 85374**

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 08/20/2015 as agent for **HELTON EXCAVATING, INCORPORATED**:Case caption: **MARIA MERCEDES GAMEZ-CORNEJO v. MARIO ERICH MILLER and JANE DOE MILLER. h&w, et.al,**Case number: **CV2015-095037** Court: **MARICOPA COUNTY, SUPERIOR COURT**

- ☒ Summons
- ☒ Complaint
- ☐ Subpoena
- ☐ Subpoena Duces Tecum
- ☐ Default Judgment
- ☐ Judgment
- ☐ Writ of Garnishment
- ☐ Motion For Summary Judgment
- ☐ Motion for
- ☒ Other **CERTIFICATE OF COMPULSORY ARBITRATION**

Sincerely,

Lynda B. Griffin  
Custodian of RecordsInitials **LBG**File number - **09403070-2**



**COMMISSIONERS**  
SUSAN BITTER SMITH – Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE



**ARIZONA CORPORATION COMMISSION**

**JODI JERICH**  
Executive Director  
**PATRICIA L. BARFIELD**  
Director  
Corporations Division

**CERTIFICATE OF MAILING**

The undersigned person certifies the following facts:

On **08/20/2015**, **LYNDA GRIFFIN**, an employee of the Arizona Corporation Commission ("ACC"), received on behalf of the ACC service of the following documents upon the ACC as agent for **HELTON EXCAVATING, INCORPORATED**.

Case caption: **MARIA MERCEDES GAMEZ-CORNEJO v. MARIO ERICH MILLER and JANE DOE MILLER. h&w, et.al,**

Case number: **CV2015-095037**

Court: **MARICOPA COUNTY, SUPERIOR 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 checked="" type="checkbox"/> Other <b>CERTIFICATE OF COMPULSORY ARBITRATION</b> |  |

On **8/20/15**, the undersigned person placed a copy of the above listed documents in the United States Mail, postage prepaid, addressed to the entity at its last known place of business address, as follows:

**HELTON EXCAVATING, INCORPORATED**  
**PO BOX 9473**  
**SURPRISE, AZ 85374**

**OR**

The undersigned 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.

Printed name: **Lynda Griffin** Date: **08/20/2015**

Signature: \_\_\_\_\_

*Lynda Griffin*



1 KENT LAW, PLC  
2 7540 South Willow Drive  
3 Tempe, Arizona 85283  
4 (480) 359-KENT(5368)  
5 Adam C. Kent, Esq.  
6 State Bar No.024718  
7 [Adam.Kent@Kent-Law.org](mailto:Adam.Kent@Kent-Law.org)  
8 Joshua E. Wagner, Esq.  
9 State Bar No.027154  
10 [Josh.Wagner@Kent-Law.org](mailto:Josh.Wagner@Kent-Law.org)  
11 Attorneys for Plaintiff

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 MARIA MERCEDES GAMEZ-CORNEJO, a  
15 single person,

No.: CV2015-095037

16 Plaintiff,

SUMMONS

17 v.

18 MARIO ERICH MILLER and JANE DOE  
19 MILLER, Husband and Wife; HELTON  
20 EXCAVATING, INCORPORATED; XYZ  
21 Corporations I-III; ABC Partnerships I-III;  
22 John and Jane Does I-III,

IF YOU WANT THE ADVICE OF A LAWYER, YOU MAY  
WISH TO CONTACT THE LAWYER REFERRAL SERVICE AT  
602-257-4434 OR ONLINE AT [WWW.LAWYERREFERRERS.ORG](http://WWW.LAWYERREFERRERS.ORG)  
LRS IS SPONSORED BY THE MARICOPA COUNTY  
BAR ASSOCIATION.  
(Tort – Motor Vehicle)

23 Defendants.

24 THE STATE OF ARIZONA TO THE DEFENDANTS:

25 HELTON EXCAVATING, INCORPORATED

26 C/O Jason Helton  
27 8552 N. Dysart Rd.  
28 El Mirage, AZ 85335

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona -- whether by direct service, by registered or certified mail, or by publication -- you shall appear and defend within 30 days after the service of



1 the Summons and Complaint upon you is complete, exclusive of the day of service. Where  
2 process is served upon the Arizona Director of Insurance as an insurer's attorney to receive  
3 service of legal process against it in this State, the insurer shall not be required to appear, answer  
4 or plead until expiration of 40 days after date of such service upon the Director. Service by  
5 registered or certified mail without the State of Arizona is complete 30 days after the date of  
6 filing the receipt and affidavit of service with the Court. Service by publication is complete 30  
7 days after the date of first publication. Direct service is complete when made. Service upon the  
8 Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of  
9 Compliance and return receipt or Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

10 Copies of the pleading filed herein may be obtained by contacting the Clerk of Superior  
11 Court, Pima County, located at 110 W. Congress Street, RM 131-A, Tucson, Arizona. RCP  
12 4.1(e).

13 YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within  
14 the time applicable, judgment by default may be rendered against you for the relief demanded in  
15 the Complaint.

16  
17 YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or  
18 proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee,  
19 within the time required, and you are required to serve a copy of any Answer or response upon  
20 the Plaintiff's attorney. RCP 10(d); ARS §12-311; RCP 5.

21  
22 Request, for reasonable accommodation for persons with disabilities must be made to the  
23 division assigned to the case by parties at least three (3) judicial days in advance of a scheduled  
24 court proceeding.  
25  
26  
27  
28





1 The name and address of Plaintiff's attorneys, where a copy of the pleading being served  
2 may be obtained, are:

3 Adam C. Kent, Esq  
4 Joshua E. Wagner, Esq.  
5 KENT LAW PLC  
6 7540 South Willow Drive  
7 Tempe, Arizona 85283

8 SIGNED AND SEALED this date: \_\_\_\_\_, 2015.

9 **COPY**

10 Clerk

AUG 13 2015

11 By:



12 MICHAEL K. JEANES, CLERK  
13 B. PHILLIPS  
14 DEPUTY CLERK

Deputy Clerk

15 Method of Service:  
16 XX Private Process Service



1 KENT LAW, PLC  
2 7540 South Willow Drive  
3 Tempe, Arizona 85283  
4 (480) 359-KENT(5368)  
5 Adam C. Kent, Esq.  
6 State Bar No.024718  
7 Adam.Kent@Kent-Law.org  
8 Joshua E. Wagner  
9 State Bar No.027154  
10 Josh.Wagner@Kent-Law.org  
11 Attorney for Plaintiff

**COPY**



AUG 13 2015  
MICHAEL K. JEANES, CLERK  
B. PHILLIPS  
DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF MARICOPA

10 MARIA MERCEDES GAMEZ-CORNEJO, a No.:  
11 single person,  
12 Plaintiff,  
13 v.

CV2015-095037

CERTIFICATE OF COMPULSORY  
ARBITRATION

14 MARIO ERICH MILLER and JANE DOE  
15 MILLER, Husband and Wife; HELTON  
16 EXCAVATING, INCORPORATED; XYZ  
17 Corporations I-III; ABC Partnerships I-III;  
18 John and Jane Does I-III,

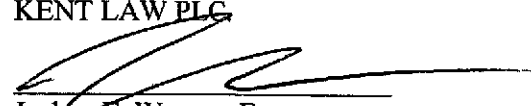
(Tort – Motor Vehicle)

19 Defendants.

20 The undersigned certifies that the largest award sought by the complainant, including punitive  
21 damages, but excluding interest, attorneys' fees, and costs **does not exceed** limits set by Local Rule for  
22 compulsory arbitration. This case is subject to the Uniform Rules of Procedure for Arbitration.

23 RESPECTFULLY SUBMITTED this 13 day of August, 2015.

24 KENT LAW PLC

25   
26 Joshua E. Wagner, Esq.  
27 Attorney for Plaintiff  
28



1 KENT LAW, PLC  
2 7540 South Willow Drive  
3 Tempe, Arizona 85225  
4 (480) 359-KENT(5368)  
5 Adam C. Kent, Esq.  
6 State Bar No.024718  
7 Adam.Kent@Kent-Law.org  
8 Joshua E. Wagner, Esq.  
9 State Bar No.027154  
10 Josh.Wagner@Kent-Law.org  
11 Attorneys for Plaintiff

**COPY**

AUG 13 2015



MICHAEL K. JEANES, CLERK  
B. PHILLIPS  
DEPUTY CLERK

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF MARICOPA

10 MARIA MERCEDES GAMEZ-CORNEJO, a  
11 single person,

No.: CV2015-095037

12 Plaintiff,

**COMPLAINT**

13 v.

14 MARIO ERICH MILLER and JANE DOE  
15 MILLER, Husband and Wife; HELTON  
16 EXCAVATING, INCORPORATED; XYZ  
17 Corporations I-III; ABC Partnerships I-III;  
18 John and Jane Does I-III,

(Tort – Motor Vehicle)

18 Defendants.

20 Plaintiff MARIA MERCEDES GAMEZ-CORNEJO, hereinafter referred to as  
21 "Plaintiff", by and through undersigned counsel complaining of the Defendants, and in support  
22 thereof, state as follows:

24 **I. JURISDICTION & VENUE**

25 1. Plaintiff MARIA MERCEDES GAMEZ-CORNEJO is, and at all times  
26 relevant hereto, a resident of Maricopa County, State of Arizona;

27 2. The events giving rise to the cause of action set forth herein occurred within the  
28



1 State of Arizona, County of Maricopa; and this court has jurisdiction over the subject matter and  
2 parties to this litigation.

3 3. Defendant **MARIO ERICH MILLER** has caused events to occur in Maricopa  
4 County, Arizona, out of which the claim that is the subject of this Complaint arose;

5 4. **JANE DOE MILLER** is liable for damages arising from such claim by virtue of  
6 her community property interest with Defendant **MARIO ERICH MILLER**.

7 5. Defendant **JANE DOE MILLER** is a fictitious name for the spouse of Defendant  
8 **MARIO ERICH MILLER**. Plaintiff will amend the Complaint when her true and correct name  
9 is ascertained.

10 6. Defendant **HELTON EXCAVATING, INCORPORATED** has caused events to  
11 occur in Maricopa County, State of Arizona out of which the claim which is the subject of this  
12 Complaint arose by virtue of its vicarious liability for the actions and omissions of its duly  
13 authorized agents, servants and employee, in his course and scope of employment with  
14 Defendant **MARIO ERICH MILLER**.

15 7. Upon information and belief, and at all times hereinafter mentioned, Defendant  
16 **MARIO ERICH MILLER** was the agent, servant and employee of said Defendant **HELTON**  
17 **EXCAVATING, INCORPORATED** and was acting within the scope of his employment with  
18 Defendant **HELTON EXCAVATING, INCORPORATED**.

19 8. The true names and capacities, whether individual, corporate or otherwise, of the  
20 Defendants John and Jane Does I-III, ABC Partnerships I-III, and XYZ Corporations I-III, are  
21 unknown to the Plaintiff who therefore sues said defendants by such fictitious names and will  
22 ask leave to amend this Complaint to state their true names and capacities at such time as the  
23 same become known to the Plaintiff.  
24  
25  
26  
27  
28





1           9. Defendants are residents or citizens of the State of Arizona, or caused events to  
2 occur in the State of Arizona, out of which the claim which is the subject of this Complaint  
3 arose. Said corporate Defendants are either Arizona corporations or foreign corporations,  
4 partnerships, joint ventures, or other legal entities, which are doing business in Arizona or have  
5 caused events to occur in the State of Arizona out of which the claim that is the subject of this  
6 Complaint arose.  
7

8           10. Plaintiff is informed and believes and therefore alleges that each of the defendants  
9 designated herein are legally responsible for the events and happenings herein referred to, and  
10 legally caused injury and damages proximately thereby to Plaintiff as herein alleged.  
11

12           11. Plaintiff seeks damages in excess of the minimum jurisdictional limits of this  
13 Court.  
14

## 14                               II. GENERAL ALLEGATIONS OF FACT

15           12. On or about August 19, 2013, in Maricopa County, Arizona Plaintiff **MARIA**  
16 **MERCEDES GAMEZ-CORNEJO** was traveling eastbound on I-10 at or near mile post 154.  
17

18           13. At the same time, Defendant **MARIO ERICH MILLER**, acting in furtherance of  
19 the marital community composed of himself and **JANE DOE MILLER**, while in the course and  
20 scope of his employment with Defendant **HELTON EXCAVATING, INCORPORATED** was  
21 also traveling eastbound on I-10, when he initiated an unsafe lane change into the lane on the  
22 right that was occupied by Plaintiff, thereby causing a collision with Plaintiff **MARIA**  
23 **MERCEDES GAMEZ-CORNEJO'S** vehicle.  
24

25           14. Defendant **MARIO ERICH MILLER**, intentionally, recklessly or negligently  
26 failed to operate or control his vehicle and collided with Plaintiff **MARIA MERCEDES**  
27 **GAMEZ-CORNEJO'S** vehicle.  
28



1           15.     Plaintiff **MARIA MERCEDES GAMEZ-CORNEJO** was injured and damaged,  
2 and therefor incurred monetary expense.

3                               **III.    RESPONDEAT SUPERIOR**

4           16.     On or about August 19, 2013, and for some time prior thereto Defendant **MARIO**  
5 **ERICH MILLER** was employed by Defendant **HELTON EXCAVATING,**  
6 **INCORPORATED.**

7  
8           17.     Defendant **HELTON EXCAVATING, INCORPORATED** at all relevant times  
9 hereto are responsible for the negligent actions of its employees on the basis of respondent  
10 superior master-servant, general agency principles, and otherwise.

11  
12           18.     That as proximate result of the actions, carelessness and recklessness of  
13 Defendants **MARIO ERICH MILLER** and **HELTON EXCAVATING, INCORPORATED,**  
14 Plaintiff **MARIA MERCEDES GAMEZ-CORNEJO** sustained personal injuries, pain and  
15 suffering, mental and emotional anguish, as well as having incurred medical, property and other  
16 special damages, and other losses and miscellaneous expenses in amounts be proven at trial.

17  
18                               **IV.    COUNT ONE**

19                                       **(Negligence)**

20           19.     Plaintiff incorporates all previous paragraphs and all allegations herein by  
21 reference as it fully set forth herein.

22           20.     Defendants **MARIO ERICH MILLER** and **HELTON EXCAVATING,**  
23 **INCORPORATED** owed a duty to Plaintiff **MARIA MERCEDES GAMEZ-CORNEJO** to  
24 operate their vehicle in a safe and prudent manner to avoid causing a motor vehicle collision with  
25 any other vehicle. The scope of this duty of care extended to Plaintiff in her vehicle.

26  
27           21.     Defendants **MARIO ERICH MILLER** and **HELTON EXCAVATING,**  
28



1 **INCORPORATED** breached their duty of care toward Plaintiff when they operated their  
2 vehicle in a reckless, unsafe and unlawful manner, causing their vehicle to collide into Plaintiff  
3 **MARIA MERCEDES GAMEZ-CORNEJO'S** vehicle.

4 22. Defendants **MARIO ERICH MILLER and HELTON EXCAVATING,**  
5 **INCORPORATED'S** breach of this duty is the legal and proximate cause of Plaintiff's  
6 damages, which include but are not limited to property damage, physical injuries, pain and  
7 suffering since the accident, medical expenses, loss of earnings, and mental and emotional  
8 anguish, all in an amount to be determined at trial.

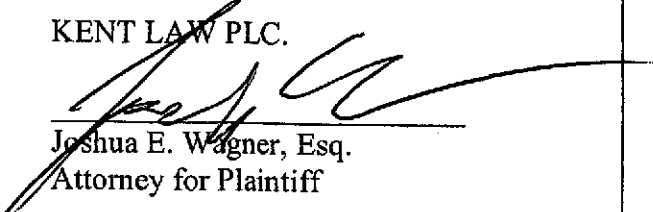
9  
10 **V. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff **MARIA MERCEDES GAMEZ-CORNEJO** prays for  
12 judgment against the Defendants, and each of them, as follows:  
13

- 14 1. For such sums as and for general damages in excess of the jurisdictional  
15 minimum of this court.  
16  
17 2. For such sums as and for special damages as will be proven at the time of trial.  
18  
19 3. For pre- and post- judgment interest at the maximum rate permitted by law.  
20  
21 4. For costs of suit herein and for such other and further relief as the court deems  
22 just and proper.

23  
24 RESPECTFULLY SUBMITTED this 13 day of August, 2015.

25 KENT LAW PLC.

26   
Joshua E. Wagner, Esq.  
27 Attorney for Plaintiff  
28



# 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 # 2014-00454

Account # 0398

Invoice # 242801

Liddy # 170303-2

## IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

### IN AND FOR THE COUNTY OF MARICOPA

**MARIA MERCEDES GAMEZ-CORNEJO, a**  
**single person,**

**Plaintiff,**

**vs**

**MARIO ERICH MILLER, et al.,**

**Defendant(s).**

## AFFIDAVIT OF ATTEMPTED SERVICE BY PRIVATE PROCESS SERVER

Case No. CV2015-095037

STATE OF ARIZONA

County of Maricopa

On 8/13/15 I received a Summons, Complaint and Certificate of Compulsory Arbitration, 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 HELTON EXCAVATING INCORPORATED, c/o JASON HELTON, STATUTORY AGENT at 8552 N. Dysart Rd., El Mirage, AZ 85335; on 8/14/15 at 8:30am, There is no office here, this is where all the Helton trucks are parked, there was a man working on a truck, he stated Jason is not here. The man provided a telephone number. I called 623-487-1990, I spoke to a woman, I told her that I am trying to get in touch with Jason Helton to deliver Court documents, the woman hung up on me. I called 623-487-1990 again, there was no answer, I left a voice message. Sending back out for service to Arizona Corporation Commission, Authorized Agent.

Received from KENT LAW, P.L.C., ( ADAM C. KENT #024718 )

PROCESS SERVER: Floyd R. Brown #8388

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: Floyd R Brown

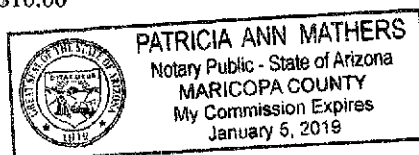
Date: 8/18/2015

Item	Amount
Mileage	\$67.20
Affidavit/Notary	\$10.00

Subscribed and sworn before me on 8/18/2015

Patricia Ann Mathers

Patricia Ann Mathers



Notary Public  
My Commission Expires  
January 5, 2019

Tax ID# 90-0533870

Total \$77.20





Corporate Maintenance

08/19/2015

State of Arizona Public Access System

1:03 PM

File Number: -0940307-2

Corp. Name: HELTON EXCAVATING, INCORPORATED

Domestic Address

PO BOX 9473

SURPRISE, AZ 85374

Second Address

Agent: JASON HELTON

Status: APPOINTED 02/18/2000

Physical Address

8552 N. DYSART RD.

EL MIRAGE, AZ 85335

Agent Last Updated: 04/17/2007

Business Type: CONTRACTOR

Domicile: ARIZONA

County: MARICOPA

Corporation Type: BUSINESS

Life Period: PERPETUAL

Incorporation Date: 02/18/2000

Approval Date: 02/18/2000

Last A/R Received: 2 / 2015

Date A/R Entered: 02/18/2015

Next Report Due: 02/18/2016

NO HISTORY RECORD FOUND FOR THIS FILE NUMBER. (A168)

Matthew Basham



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

User Id: LGRIFFIN  
Invoice No.: 4846731

Check Batch:  
Invoice Date: 08/19/2015  
Date Received: 08/19/2015  
Customer No.:

ATTN:  
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS -0940307-2 HELTON EXCAVATING, INCORPORATED	\$25.00
Total Documents: \$		25.00
	CHECK 6084	\$25.00
	PAYMENT	
Balance Due: \$		0.00

