

**COMMISSIONERS**  
TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD DUNN



06314380

**PATRICIA L. BARFIELD**  
Director  
Corporations Division

**ARIZONA CORPORATION COMMISSION**

Date April 2, 2018

**HELTON EXCAVATING, INCORPORATED**  
8552 W. DYSART RD  
EL MIRAGE, AZ 85335

Dear Sir or Madam:

Enclosed is a copy of the following document(s) that were served upon the Arizona Corporation Commission on 03/30/2018 as agent for **HELTON EXCAVATING, INCORPORATED**:

Case caption: **BOYC, LLC v.**  
Case number: **CV2018-051810**

**ARIZONA EXCAVATING AND DIRTWORKS LLC et.al,**  
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,

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

**Lynda B. Griffin**  
Custodian of Records

Initials **LBG**  
File number **-0940307-2**

**COMMISSIONERS**  
TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD DUNN



**TED VOGT**  
Executive Director

**PATRICIA L. BARFIELD**  
Director  
Corporations Division

**ARIZONA CORPORATION COMMISSION**

**CERTIFICATE OF MAILING**

The undersigned person certifies the following facts:

On **3/30/2018**, **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: **BOYC, LLC v. ARIZONA EXCAVATING AND DIRTWORKS LLC et.al,**

Case number: **CV2018-051810**

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 **04/02/2018**, 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**  
**8552 W. DYSART RD**  
**EL MIRAGE, AZ 85335**

**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: **April 2, 2018**

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

1 James L. Pak, 018870  
2 **JAMES L. PAK, PLLC**  
3 8930 East Raintree Drive, Suite 100  
4 Scottsdale, Arizona 85260  
5 Telephone: (480) 444-9999  
6 Facsimile: (480) 308-0015  
7 Email: Jim@paklawoffices.com  
8 *Attorney for Plaintiff*

**ORIGINAL**

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 BOYC, LLC, a Delaware limited liability )  
10 company, )

No. **CV2018-051810**

11 Plaintiff, )

**SUMMONS**

12 v. )

13 ARIZONA EXCAVATING AND )  
14 DIRTWORKS LLC, an Arizona limited )  
15 liability company; LUIS CARDOZA and )  
16 JANE DOE CARDOZA, husband and )  
17 wife; HELTON EXCAVATING, )  
18 INCORPORATED, an Arizona )  
19 corporation; ANDI GONZALES and )  
20 JANE DOE GONZALES, husband and )  
21 wife; CURIEL M REBAR STEEL, LLC, )  
22 an Arizona limited liability company; )  
23 JOHN DOES I through X and JANE )  
24 DOES I through X; BLACK )  
25 CORPORATIONS I through V and )  
26 WHITE PARTNERSHIPS, I through V, )

27 Defendants. )  
28

If you would like legal advice from a lawyer,  
Contact the Lawyer Referral Service at  
602-257-4434

or

[www.maricopalawyers.org](http://www.maricopalawyers.org)

Sponsored by the  
Maricopa County Bar Association

29 **TO THE ABOVE NAMED DEFENDANT(S):**

30 **HELTON EXCAVATING, INCORPORATED**

c/o Jason Helton, Statutory Agent

8552 N. Dysart Rd.

El Mirage, AZ 85335

1  
2 YOU ARE HEREBY SUMMONED and required to appear and defend, within  
3 the time applicable, in this action in this Court. If served within Arizona, you shall  
4 appear and defend within 20 days after the service of the Summons and Complaint upon  
5 you, exclusive of the day of service. If served out of the State of Arizona -- whether by  
6 direct service, by registered or certified mail, or by publication -- you shall appear and  
7 defend within 30 days after the service of the Summons and Complaint upon you is  
8 complete, exclusive of the day of service. Where process is served upon the Arizona  
9 Director of Insurance as an insurer's attorney to receive service of legal process against  
10 it in this state, the insurer shall not be required to appear, answer or plead until  
11 expiration of 40 days after date of such service upon the Director. Service by registered  
12 or certified mail without the State of Arizona is complete 30 days after the date of filing  
13 the receipt and affidavit of service with the Court. Service by publication is complete  
14 30 days after the date of first publication. Direct service is complete when made.  
15 Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing  
16 the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; ARS §§ 20-  
17 222, 28-502, 28-503.

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

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

17 The name and address of plaintiff's attorney are:

18  
19 **James L. Pak**  
20 **JAMES L. PAK, P.L.L.C.**  
21 8930 East Raintree Drive, Suite 100  
22 Scottsdale, Arizona 85260  
23 (480) 444-9999

24 You may obtain a copy of the Summons and Complaint by contacting the  
25 attorney named above at the address and telephone number stated herein.  
26  
27  
28

1       **Requests for reasonable accommodation for persons with disabilities must**  
2 **be made to the division assigned to the case by parties at least three (3) judicial**  
3 **days in advance of a scheduled court proceeding.**

4  
5       SIGNED AND SEALED this date: MAR -6 2018



Clerk of the Superior Court

MICHAEL K. JEANES, CLERK

By *S. Seeley*  
Deputy Clerk

**S. SEELEY**

1 James L. Pak, 018870  
2 **JAMES L. PAK, PLLC**  
3 8930 East Raintree Drive, Suite 100  
4 Scottsdale, Arizona 85260  
5 Telephone: (480) 444-9999  
6 Facsimile: (480) 308-0015  
7 Email: Jim@paklawoffices.com  
8 *Attorney for Plaintiff*

**COPY**

MAR - 6 2018



MICHAEL K. JEANES, CLERK

DEPUTY CLERK

**S. SEELEY**

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 BOYC, LLC, a Delaware limited liability )  
10 company, )

No.

11 Plaintiff, )

**COMPLAINT**

12 v. )

13 ARIZONA EXCAVATING AND )  
14 DIRTWORKS LLC, an Arizona limited )  
15 liability company; LUIS CARDOZA and )  
16 JANE DOE CARDOZA, husband and )  
17 wife; HELTON EXCAVATING, )  
18 INCORPORATED, an Arizona )  
19 corporation; ANDI GONZALES and )  
20 JANE DOE GONZALES, husband and )  
21 wife; CURIEL M REBAR STEEL, LLC, )  
22 an Arizona limited liability company; )  
23 JOHN DOES I through X and JANE )  
24 DOES I through X; BLACK )  
25 CORPORATIONS I through V and )  
26 WHITE PARTNERSHIPS, I through V, )

27 Defendants. )  
28

Plaintiff BOYC, LLC, states and alleges as follows:

**JURISDICTION AND VENUE**

1. This action is brought and jurisdiction of this Court is invoked, pursuant to Article VI, §14, of the Arizona Constitution and A.R.S. §12-123.

1           2.     Venue is proper pursuant to A.R.S. §12-401 because all of the acts and  
2 events described herein, which gave rise to this action, occurred within Maricopa  
3 County.

4           3.     Plaintiff BOYC, LLC ("BOYC"), is a Delaware limited liability company  
5 authorized to conduct business in the State of Arizona with its principal place of  
6 business in Maricopa County, Arizona. At all times relevant to the claims herein,  
7 Plaintiff BOYC was/is the titled owner to vacant land located at or near the southeast  
8 corner of East Watford Court and South 164<sup>th</sup> Street in Gilbert, Maricopa County,  
9 Arizona (the "Property").

10           4.     Defendant ARIZONA EXCAVATING AND DIRTWORKS LLC  
11 ("AED") is an Arizona limited liability company authorized to do and doing business in  
12 the State of Arizona with its principal place of business in Maricopa County, Arizona.

13           5.     LUIS CARDOZA ("CARDOZA") and JANE DOE CARDOZA were  
14 acting individually and on behalf of the marital community of LUIS CARDOZA and  
15 JANE DOE CARDOZA.

16           6.     At the time of the events set forth herein, Defendant CARDOZA was an  
17 employee, servant, and/or agent of Defendant AED and was acting within the course  
18 and scope of employment or under Defendant AED's direction and control or under  
19 such other circumstances as to justify imputing responsibility for the careless, negligent  
20 and/or intentional acts complained of herein.

21           7.     Defendant HELTON EXCAVATING, INCORPORATED ("HEI") is an  
22 Arizona corporation authorized to do and doing business in the State of Arizona with its  
23 principal place of business in Maricopa County, Arizona.

24           8.     ANDI GONZALES ("GONZALES") and JANE DOE GONZALES were  
25 acting individually and on behalf of the marital community of ANDI GONZALES and  
26 JANE DOE GONZALES.

27           9.     At the time of the events set forth herein, Defendant GONZALES was an  
28

1 employee, servant, and/or agent of Defendant HEI and was acting within the course and  
2 scope of employment or under Defendant HEI's direction and control or under such  
3 other circumstances as to justify imputing responsibility for the careless, negligent  
4 and/or intentional acts complained of herein.

5 10. Defendant CURIEL M REBAR STEEL, LLC ("CMRS") is an Arizona  
6 limited liability company authorized to do and doing business in the State of Arizona  
7 with its principal place of business in Maricopa County, Arizona.

8 11. The true names, capacities, and/or relationships, whether individual,  
9 corporate, partnership, or otherwise, of JOHN DOES I through X and JANE DOES I  
10 through X, their respective wives, inclusive, and each of them, and BLACK  
11 CORPORATIONS I through V and WHITE PARTNERSHIPS I through V, are and  
12 were unknown to the Plaintiff at the time of the filing of this Complaint and Plaintiff,  
13 therefore, sues said Defendants, and each of them, by said fictitious names and will ask  
14 leave of the court to amend this Complaint to show the true names, capacities, and/or  
15 relationships when the same have been ascertained and, therefore, alleges that all of said  
16 fictitiously-named defendants were either joint tortfeasors and/or jointly and severally  
17 legally responsible in some manner for the events and happenings herein and  
18 proximately caused the injuries and damages to Plaintiff as hereinafter set forth.

19 12. Defendants, and each of them, caused events to occur in Maricopa  
20 County, Arizona, out of which this cause of action arises.

21 13. On or about September 28, 2017, Defendant CARDOZA knowingly and  
22 without authority drove a dump truck owned by Defendant AED onto the Property  
23 owned by Plaintiff.

24 14. While on the Property, Defendant CARDOZA intentionally or negligently  
25 dumped dirt, green waste, litter, and/or other destructive or injurious material onto the  
26 Property from the dump truck owned by Defendant AED.



1           15. Upon information and belief, Defendants CARDOZA and/or AED  
2 repeatedly dumped dirt, green waste, litter, and/or other destructive or injurious material  
3 onto the Property in 2017.

4           16. On or about September 28, 2017, Defendant GONZALES knowingly and  
5 without authority drove a dump truck owned by Defendant HEI onto the Property  
6 owned by Plaintiff.

7           17. While on the Property, Defendant GONZALES intentionally or  
8 negligently dumped dirt, green waste, litter, and/or other destructive or injurious  
9 material onto the Property from the dump truck owned by Defendant HEI.

10           18. Upon information and belief, Defendants GONZALES and/or HEI  
11 repeatedly dumped dirt, green waste, litter, and/or other destructive or injurious material  
12 onto the Property in 2017.

13           19. On or about February 12, 2018, Defendant CMRS' employee knowingly  
14 and without authority drove a dump truck owned by Defendant CMRS onto the  
15 Property owned by Plaintiff.

16           20. While on the Property, Defendant CMRS' employee intentionally or  
17 negligently dumped dirt, green waste, litter, and/or other destructive or injurious  
18 material onto the Property from the dump truck owned by CMRS.

19           21. Upon information and belief, Defendant CMRS and/or its employee  
20 repeatedly dumped dirt, green waste, litter, and/or other destructive or injurious material  
21 onto the Property in 2017 and 2018.

22           22. As a direct and proximate result of Defendants' unauthorized trespasses  
23 and dumping, Plaintiff has been significantly damaged in an amount to be determined at  
24 trial.

25           23. Upon information and belief, Defendants intended to cause injury to  
26 Plaintiff by their unauthorized trespasses and dumping.  
27  
28

1           24. Upon information and belief, Defendants acted to serve their own  
2 interests, respectively, having reason to know and consciously disregarding a substantial  
3 risk that their conduct might significantly injure Plaintiff's rights.

4           25. Upon information and belief, Defendants consciously pursued a course of  
5 conduct knowing that it created a risk of significant harm to Plaintiff.

6           WHEREFORE, Plaintiff BOYC, LLC, respectfully requests judgment against  
7 Defendants and each of them as follows:

8           a. For the reasonable value of special damages incurred to date, and  
9 to be incurred in the future, in an amount not presently ascertained, but to be  
10 determined at trial consistent with the proof in this action. Special damages  
11 include, but are not limited to, the cost of remediation, removal, restoration  
12 and/or disposal of the dirt, green waste, litter, and/or other destructive or  
13 injurious material that Defendants dumped on or at the Property. All of these  
14 injuries can be compensated for by a sum of money in a substantial amount, the  
15 exact amount of which to be proven at trial;

16           b. For general damages in amounts not presently ascertained, but well  
17 in excess of the jurisdictional amount of this Court consistent with the proof of  
18 this action;

19           c. For punitive damages;

20           d. For Plaintiff's costs of suit incurred herein; and

21           e. For such other and further relief as the Court may deem just and  
22 proper.

23 DATED this 6<sup>th</sup> day of March, 2018.

24 JAMES L. PAK, P.L.L.C.

25  
26 By: James L. Pak  
27 8930 East Raintree Drive, Suite 100  
28 Scottsdale, AZ 85260  
Attorney for Plaintiff

1 James L. Pak, 018870  
2 **JAMES L. PAK, PLLC**  
3 8930 East Raintree Drive, Suite 100  
4 Scottsdale, Arizona 85260  
5 Telephone: (480) 444-9999  
6 Facsimile: (480) 308-0015  
7 Email: Jim@paklawoffices.com  
8 *Attorney for Plaintiff*

**COPY**

MAR - 6 2018



MICHAEL K. JEANES, CLERK

DEPUTY CLERK

**S. SEELEY**

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 BOYC, LLC, a Delaware limited liability )  
10 company, )

No.

**CV2018-051810**

11 Plaintiff,

12 v.

**CERTIFICATE ON  
COMPULSORY ARBITRATION**

13 ARIZONA EXCAVATING AND )  
14 DIRTWORKS LLC, an Arizona limited )  
15 liability company; LUIS CARDOZA and )  
16 JANE DOE CARDOZA, husband and )  
17 wife; HELTON EXCAVATING, )  
18 INCORPORATED, an Arizona )  
19 corporation; ANDI GONZALES and )  
20 JANE DOE GONZALES, husband and )  
21 wife; CURIEL M REBAR STEEL, LLC, )  
22 an Arizona limited liability company; )  
23 JOHN DOES I through X and JANE )  
24 DOES I through X; BLACK )  
25 CORPORATIONS I through V and )  
26 WHITE PARTNERSHIPS, I through V, )

27 Defendants. )  
28

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

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**RESPECTFULLY SUBMITTED** this 6<sup>th</sup> day of March, 2018.

**JAMES L. PAK, P.L.L.C.**

By:   
James L. Pak  
*Attorney for Plaintiff*

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

## STATEMENT FOR SERVICE OF PROCESS


**ENTITY NAME** – give the exact name of the corporation or LLC as currently shown in A.C.C. records:

HELTON EXCAVATING INCORPORATED

**A.C.C. FILE NUMBER:** 09403072

Find the A.C.C. file number on the upper corner of filed documents OR on our website at: <http://www.azcc.gov/Divisions/Corporations>

By my signature below, **I certify under the penalty of perjury** that, upon information, knowledge, and belief, the above-named entity has either failed to appoint a statutory agent or failed to maintain a statutory agent at the statutory agent address on record with the Arizona Corporation Commission.

  
Signature

SUSIE BALDWIN  
Printed Name

3/29/2018  
Date

Service of process fee: \$25.00  
All fees are nonrefundable.

Mail: Arizona Corporation Commission - Records Section  
1300 W. Washington St., Phoenix, Arizona 85007  
Fax: 602-542-3414

Please be advised that A.C.C. forms reflect only the minimum provisions required by statute. You should seek private legal counsel for those matters that may pertain to the individual needs of your business.  
All documents filed with the Arizona Corporation Commission are public record and are open for public inspection.  
If you have questions after reading the Instructions, please call 602-542-3026 or (within Arizona only) 800-345-5819.

Corporate Inquiry

03/30/2018

State of Arizona Public Access System

11:04 AM

File Number: -0940307-2

Corp. Name: HELTON EXCAVATING, INCORPORATED

Domestic Address  
8552 W DYSART RD

EL MIRAGE, AZ 85335

Second Address

Agent: JASON HELTON  
Status: APPOINTED 02/18/2000  
Mailing Address:  
PO BOX 125

LITCHFIELD PARK, AZ 85340  
Agent Last Updated: 04/17/2007

Business Type: CONSTRUCTION

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 / 2018  
Date A/R Entered: 02/07/2018  
Next Report Due: 02/18/2019

2ARL left

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

User Id: JBENITEZ  
Invoice No.: 5651083

Check Batch:  
Invoice Date: 03/30/2018  
Date Received: 03/30/2018  
Customer No.:

ATTN:  
(CASH CUSTOMER)

Quantity	Description	Amount
1	SERVICE OF PROCESS -0940307-2 HELTON EXCAVATING, INCORPORATED	\$25.00
Total Documents: \$		25.00
	CHECK 7655	\$25.00
PAYMENT		
Balance Due: \$		0.00