

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-006866

11/05/2018

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
T. Cooley
Deputy

FIERCE INVESTMENTS LTD

ROOPALI HARDIN DESAI

v.

AZTEC COPPER INC

STEPHEN C RICH

JUDGE WHITTEN

MINUTE ENTRY

The Court has considered Defendant Aztec Copper's Motion to Set Aside Default, filed August 20, 2018 and Plaintiff's Response, filed September 10, 2018.

There appears to be no dispute that Aztec Copper is an Arizona corporation or that it was properly served. It is therefore subject to the personal jurisdiction of this state. Aztec has shown no jurisdictional defect in the complaint. That the complaint may not state a claim on which relief can be granted does not implicate either personal or subject matter jurisdiction.

It is not enough to set aside default that the defendant denies the plaintiff's claims. The denial must be in the proper form of an answer or a Rule 12(b) motion filed not later than ten days after filing of an application for entry of default. In any event, the supposedly dispositive "review of Aztec's current shareholders" is a letter dated April 1, 2011 from Glen D. Harder, apparently an attorney in Vancouver. Even ignoring that the letter is unsworn and appears to have been based on self-serving hearsay, it does not show that Fierce Investments is not a shareholder and/or was not a shareholder at a material time. Aztec has not shown that its defense is meritorious.

IT IS ORDERED that the motion to set aside default is denied.