



DIVISION ONE
FILED: 05/09/17
AMY M. WOOD,
CLERK
BY: JT

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

IN THE MATTER OF: PROHIBITING)
JACE FRANK EDEN FROM FILING)
PETITIONS FOR SPECIAL ACTION)
OR SIMILAR FILINGS WITHOUT)
LEAVE OF THE COURT)
_____)

ADMINISTRATIVE ORDER 2017-02

Consistent with due process, Arizona courts have inherent authority to limit the ability of a vexatious litigant to initiate judicial proceedings if (1) the litigant is afforded notice and an opportunity to oppose the order, (2) the court creates an adequate record for appellate review of the order, (3) the court makes substantive findings regarding the litigant's frivolous or harassing actions, and (4) the order is narrowly tailored to address the litigant's actions. *Madison v. Groseth*, 230 Ariz. 8, 14 ¶¶ 17-18 (App. 2012).

On March 24, 2017, this Court notified Jace Frank Eden that it was considering declaring him a vexatious litigant, given his repeated filings with this Court "addressing the same (or substantially similar) issues arising out of a specific parcel of real property [parcel, tract or plot map references 210-14-018A; 210-14-018B; 210-14-020B; 210-14-060] and ingress/egress and utility easements regarding that specific parcel of real property." Also noting Eden had been designated a vexatious litigant by the Arizona Superior Court, in and for Navajo County, a designation affirmed by this Court, the March 24, 2017 notice allowed Eden until April 21, 2017 to submit to this Court any argument he wished to provide in opposition to the proposed order by this Court declaring him a vexatious litigant.

On April 24, 2017, Eden filed a four-page response, with dozens of pages of attachments, arguing that this Court "has over-looked some important facts" about various cases he has filed and asking that this Court "grant relief" on his behalf "and award just compensation and punitive damages, legal fees . . . etc. as requested in his

complaint for diminution of value and just compensation and/or remand the case” for “a fair trial hearing on the merits of his claim.”

Over the past three years, Eden has filed 16 appeals or special action petitions (or matters akin to such filings) with this Court addressing various issues involving the specific parcel of real property identified above:

- 1 CA-SA 14-0061 (April 14, 2014) (“Complaint and Application for a[n] Extraordinary Writ of Special Action and Application for an Order to Show Cause”);
- 1 CA-SA 14-0072 (April 22, 2014) (“Complaint and Application for a[n] Extraordinary Writ of Special Action and Application for an Order to Show Cause”);
- 1 CA-SA 14-0091 (May 13, 2014) (“Complaint and Application for a[n] Extraordinary Writ of Special Action and Application for an Order to Show Cause”);
- 1 CA-CV 14-0318 (May 20, 2014) (“Notice of Appeal from Superior Court and An Application for An Extraordinary Writ of Special Action”);
- 1 CA-CV 14-0434 (July 1, 2014) (“Notice of Appeal from Superior Court and An Application for An Extraordinary Writ of Special Action”);
- 1 CA-SA 14-0211 (Oct. 22, 2014) (“Application for a Writ of Special Action”);
- 1 CA-CV 14-0681 (Oct. 17, 2014) (“Notice of Appeal from Superior Court, Application for An Extraordinary Writ of Special Action to the Supreme Court of Arizona”) (resolved by this Court);
- 1 CA-CV 15-0160 (March 15, 2015) (“Notice of Appeal from Motion to the Chief Deputy Clerk to Serve Documents and Transmit Transcripts”);
- 1 CA-CV 15-0162 (March 16, 2015) (“Notice of Appeal”);
- 1 CA-CV 15-0268 (April 27, 2015) (“Notice of Appeal”);
- 1 CA-SA 15-0116 (April 28, 2015) (“Complaint and Application for Extraordinary Writ of Special Action”);
- 1 CA-CV 15-0623 (September 21, 2015) (“Notice of Appeal”);

- 1 CA-SA 15-0317 (Dec. 21, 2015) (“Motion for Leave to Appeal Court Orders in CV2015-00304”), later converted to 1 CA-CV 16-0048 (Jan. 28, 2016);
- 1 CA-CV 15-0854 (Dec. 29, 2015) (“Notice of Appeal”); and
- 1 CA-CV 16-0373 (June 29, 2016) (“Notice of Appeal”).

Eden’s filings routinely fail to comply with applicable rules and none have been found to have merit. This Court has spent significant time and resources resolving these filings, many of which were incoherent, frivolous and contained specious allegations.

Therefore, and upon consideration,

IT IS ORDERED declaring Jace Frank Eden a vexatious litigant.

IT IS FURTHER ORDERED that from and after the date of this order, Eden may not file any petition for special action or similar filing in this Court addressing issues regarding the specific parcel of real property identified above [parcel, tract or plot map references 210-14-018A; 210-14-018B; 210-14-020B; 210-14-060] and ingress/egress and utility easements regarding that specific parcel of real property without first obtaining leave of this Court. In seeking leave to file such a petition for special action or similar filing, Eden must file, for the attention of the Chief Judge of this Court, a request for leave that identifies the specific issues to be raised in the proposed petition or similar filing, that identifies the specific official action or order of which review is sought, and that attaches the proposed petition for special action or similar filing. Any such petition for special action or similar filing made without leave of this Court will be dismissed by this Court pursuant to Arizona Rule of Civil Appellate Procedure 25. In considering whether to grant any request by Eden for leave to file a such a petition for special action or similar filing, this Court will consider, *inter alia*, whether the petition or similar filing raises a non-frivolous challenge to an official action or order.

_____/S/_____
Samuel A. Thumma, Vice Chief Judge