

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-039

Complainant: No. 1267910319A

Judge: No. 1267910319B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised involves a legal question outside the commission's jurisdiction.

The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 13, 2009.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 13, 2009.

This order may not be used as a basis for disqualification of a judge.

I affirm, under penalty of perjury, that the foregoing information and the
Allegations contained in the attached statement of facts are true.

04 February 2009

Your name:

Judge's Names:

Date: 04 February 2009

STATEMENT OF FACTS

My wife and I were named in a lawsuit by Community
Association in 2005. The lawsuit was for Injunctive relief (copy of prayer for
relief included as Exhibit A).

A.R.S. 12-1803 clearly states that injunctive relief may not be granted unless
the complaint is verified by the Plaintiff. In our case the verification was signed by
another person. The judge has denied us the opportunity to depose that person,
ruling that he is not a party to the action and therefore cannot be deposed. If that
person is not a party, he is certainly not a Plaintiff.

12-1803. Times at which injunction may be granted; verified complaint required;
service of copy of complaint or affidavits

B. An injunction shall not be granted on the complaint unless it is verified by the
oath of the **plaintiff** that he has read the complaint, or heard the complaint read,
knows the contents thereof, and that it is true of his own knowledge, except the
matters stated therein on information and belief, and that as to those matters, he
believes the complaint to be true. (emphasis added)

Judge has already granted injunctive relief against and
in this matter and is allowing this case to move forward against

If it is against State Law to grant injunctive relief absent the signature of a
Plaintiff on the verified complaint, then Judge violated State law by
granting the injunction against two parties already in this matter. Further, if the
relief sought cannot by law be granted, then clearly the whole purpose of the
lawsuit is harassment only.

This judge should be made to follow State law and vacate the illegal
judgments she has granted thus far, and dismiss the underlying lawsuit which is
seeking that which is illegal for her to grant.

Will you people actually allow a sitting judge to violate Arizona State law
with impunity?

Mailed this 5th day of February, 2009
via U.S. Certified mail #