

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-027

Complainant: No. 1384610439A

Judge: No. 1384610439B

ORDER

The complainant alleged that a judge issued erroneous rulings resulting in the improper garnishment of her wages. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The commission is not a court and cannot change court decisions. Therefore, the complaint is dismissed pursuant to Rules 16(a).

Dated: April 21, 2010.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2010.

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

February 1, 2010

Case Number CV03- (Dismissed two times in Maricopa county justice court)

Case Number CV09- (New Case Number Assigened when Filed in Pima County)

Plaintiff Name: 20th & Campbell Apartments (when filed in Maricopa County Justice Court)

Plaintiff Name: Stuart Allen & Associates (On all correspondence from Attorney)

Plaintiff Name: Northwest Medical Center (On all correspondence from Pima County Court/Jack Peyton and on Proceeding Entry List)

Attorney Representing Plaintiff: Stephen D. Burton

Judge Presiding in Pima County:

Fact Sheet (Attachment # 0)

This is about a case that was ruled on in Maricopa County Justice Court (2) times. The attorney took same same to Pima County Justice Court and filed it again using a new Case Number, New Plaintiff name and the courts () filed it under Northwest Medical Center which I had no association with whatsoever. As a result, my wages are being garnished. (ATTACHMENT #1)

On December 30, 2009, I filed a Motion to have this Case dismissed and my monies returned to me because: the case has been ruled on and dismissed (2) times in Maricopa County Justice Court already and the case is listed as Northwest Medical Center as Plaintiff. was scheduled to make a ruling on my Motion and Attorney's Answer on 1/21/10. (ATTACHMENT #2)

The Attorney's response to my Motion was: This was a small typographical error (but didn't bother to bring it to the court's attention) didn't bother to have it corrected. (ATTACHMENT #3)

(THE ATTORNEY HAS TWO RESPONSE LETTERS TO MY MOTIONS BECAUSE ON NOVEMBER 28, 2009, I FILED AN "ANSWER" BUT IT WAS RETURNED TO ME IN THE US MAIL STATING THAT FILING FEE WAS \$35 AND NOT \$24 WHICH I HAD INCLUDED AND ALSO IF I WANTED JUDGE TO ACT ON SOMETHING, I NEEDED TO FILE A "MOTION"

On January 12, 2010, made a ruling and Granted the Plaintiff motion to Strike my Motion (even though I had given him copies of the prior dismissals. His paperwork which was used to grant the Plaintiff shows "Northwest Medical Center at top of page. (ATTACHMENT #4)

In November 2009, I filed a complaint with the Arizona State Bar Association against Stephen D. Burton (Attorney representing Plaintiff)..On January 20, 2010, he was given 20 days to respond to the Bar with answers (ATTACHMENT # 5)

On January 27, 2010, I just happened to be on internet in Pima County Case Search Proceedings Entry and noticed that a hearing had been set for 3/2/10 at 4:00pm (was entered on Proceeding Entry List on 21-jan-2010) but another entry right below that shows that a Garnishment Hearing set for 2/02/10 at 4:00pm Notices mailed to all parties. (was entered on Proceeding Entry List on 25-jan-2010). (ATTACHMENT #6)

I DID receive a Hearing Notice in U.S. Mail on January 27, 2010 but my name/address was only name on it. Plaintiff name was not on it anywhere and it showed Hearing date for 3/02/2010. I never received any copy in U.S. Mail for a Hearing set for 2/02/2010. (ATTACHMENT #7)

On Thursday, January 28, 2010, I called Norhtwest Medical Center and spoke with Tim Ferguson in Marketing Dept and explained to him that the Internet shows that they were the Plaintiff in a lawsuit filed against me. He called the Attorney for the Plaintiff, called me back and informed me that the Attorney assured him that they shouldn't have never been on there and he would call the Courts and have it corrected and the Proceeding List should be corrected by Friday, January 29, 2010.....but when I tried to bring this to Attorney and Judge attention: the Attorney argued that it was just a small typographical error and the Judge ignored it altogether and no one bothered to correct it.

Today, February 1, 2010, it has been corrected (ATTACHMENT #8)

Today, February 1, 2010, I received in U.S. Mail, a letter from Pima County Justice Court stating that they (the Court) entered the wrong Plaintiff name in their Case Management System upon creating the system. (ATTACHMENT #9)

This correction came ONLY after I called Northwest Medical Center and informed them (Tim Ferguson – Marketing Dept) that Pima County Justice Court shows that they had filed a lawsuit against me. Ferguson in turn call the Attorney (Stephen D. Burton) and he immediately contacted the Court and informed him it would be corrected by Friday (1/29/10). But when I informed same attorney (Stephen D. Burton) and judge of this in my Motion which I filed on December 30, 2009, Attorney argued that it was just a typographical error and the Judge ignored it completely.

Plaintiff's Motion to Strike Answer (ATTACHMENT # 10)