

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-163

Complainant: No. 1420110978A

Judge: No. 1420110978B

ORDER

The complainant alleged a superior court commissioner improperly vacated a default judgment hearing.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the commissioner's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 21, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on August 21, 2012.

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

RELEVANT BACKGROUND

On February 25, 2011, Plaintiffs filed a Medical Malpractice Complaint, which was properly served on March 7, 2011 to the Defendants and Hospice Compassus, Inc.

Attorney _____ responded with a letter dated March 11, 2011, requesting an extension in order to file a responsive pleading on behalf of _____ and Hospice Compassus, Inc.

The letter dated March 11, 2011, stated as follows:

“Re: _____ et al.

Dear Mr. _____

I have been retained to represent _____ as well as Hospice Campassus, Inc. I understand that _____ were served on February 11, 2011. As such, my client’s responsive pleading is due on March 16, 2011. I have just recently received the file documentation for the doctor’s insurance carrier. As such, I would respectfully request an extension to April 15, 2011 to respond to your Complaint. Please consider this a request for notification pursuant to Rule 55(a)(1)(ii), ARCP, of any application for entry of default. I look forward to working with you on this case. Please notify me immediately if my requested extension is not granted. Absent hearing from you, I will docket April 15, 2011 as the due date for our responsive pleading. Thank you. Very truly yours,

Instead of responding on behalf of _____ and _____ counsel, _____ on March 31, 2011, filed a Motion to Dismiss on behalf of Hospice Compassus Inc., and never filed anything on behalf of _____ and _____

Plaintiffs filed for default judgment on April 11, 2011. A Default Judgment Hearing was granted by _____ and scheduled for May 24, 2011, which was unlawfully vacated by _____ on May 23, 2011. As a result, Plaintiffs filed a Motion to Set Aside a Court Order for Fraud Upon the Court and Concealment on May 23, 2011.

Wholly corrupt has fully demonstrated that he has no boundaries in the commission of fraud upon the court, ruling contrary to Law and the Weight of the Evidence, in an aggressive and desperate attempt to dismiss Plaintiffs proven cause of action.

Plaintiffs have fully proven the fraud upon the court perpetrated by former and in complicity with the defendants and their counsels in five separate motions to set aside a court order for fraud upon the court.

The underlying wrong is that having fully knowledge that has committed fraud upon the court, failed to perform his duties in office and inform the appropriate authority, in compliance with the Code of Judicial Conduct.

Pursuant to Rule 2.2: *"A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially."*

Rule 2.15 Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

Most importantly, failed to grant Plaintiffs' Default Judgment against in compliance with Arizona Rules of Civil Procedure, giving wholly corrupt the opportunity to continue with the commission of fraud upon the court, to the extent that, on December 20, 2011, granted a fraudulent nunc pro tunc order and judgment in favor of the defendants having fully knowledge that they never appeared, neither defended themselves against Plaintiffs' proven cause of action.

CONCLUSION

Plaintiffs have fully proven the fraud upon the court perpetrated by former

Presiding and

in complicity with the Defendants and their counsels. This is not just an erroneous finding of facts and conclusions of Law. This is the most egregious Fraud Upon the Court perpetrated by the Maricopa County Superior Court in violation of the Arizona Constitution, Arizona Revised Statutes and the Arizona Code of Judicial Conduct.

For the purposes of this Complaint, complainant incorporates all the information provided in Complaint and regarding the gross misconduct of former and Complainant respectfully asks this Commission to impose the appropriate sanctions against and the superior court judges mentioned above.

Respectfully submitted this 12th day of June, 2012

By_

//certified mail this 12th day of June , 2012
 Commission of Judicial Conduct
 1501 W. Washington St. Suite 229
 Phoenix AZ 85007