

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-013

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased and hostile toward him, engaged in improper demeanor, did not afford him an opportunity to be heard, and improperly retaliated against him for filing a bar complaint.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission members Roger D. Barton, Art Hinshaw and J. Tyrell Taber did not participate in the consideration of this matter.

Dated: March 5, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on March 5, 2018.

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

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name: Honorable Judge

Description of Judicial Misconduct: HEINOUS AND ILLEGAL CIVIL SUIT DENYING ALL DEFENSES AND COUNTERCLAIMS AND ASSESSING) IN PUNITIVE DAMAGES AGAINST (DEFENDANT) BY JUDGE IN RETALIATION FOR FILING A BAR COMPLAINT AGAINST (PLAINTIFF'S) ATTORNEY.

On and its attorney " of law firm) files a lawsuit (See 5.) against) for additional asphalt, overtime charges and lost productivity relating to a sub-contract had with to pave the hires of the), to defend him against suit.

was surprised that accepted this case because of the charges require him to " on signed (See 2.). Ironically, has spent all his time discrediting just the final Lien Waiver (See 3.) which would not " a dime, if he were to be successful. Furthermore, it was unusual for to file a law suit for just for insignificant sundry items with no merit, against an iron-clad enforceable fixed-unit-cost sub-contract signed with . From the onset, it was obvious to everyone that r did not have a viable case against .

files a "l " on (See 42.) This motion clearly demonstrates that was fishing for any claim he could find against wanted copies of all claims, correspondence, writing, and documents regarding Notice of Claim against in the amount of which had no connection what-so-ever to claim. It was clear that case was based on the merits of any extra money going to ; will be extra money going to for any reason. This seemed preposterous to us, and we could not figure out where r was going with all of this. At this point, was desperately looking for a Case against to justify his lawsuit.

Then on , (See 43.) filed a Motion to Compel demanding more bazar off-point documents and information not limited to; historical information regarding experience, the date my was first obtained, any years they were in-active or suspended, the name of every qualifying party ever listed on and the gross annual dollar amount of work performed for each of the years through , among a variety of a lot more off-point bazar records and information unrelated to case. You should also note in this Motion, that relied on a newspaper article where he was sure got a hefty sum of money from in the way of a change order. This was really getting very far away from initial claim for additional and to set up a . The entire pages of this Exhibit can be found on the CD enclosed.

Then on (See 44.) Judge awards attorney's fees in favor for [redacted] against [redacted] for not producing the (above referenced) documents and all the information [redacted] had demanded. Judge [redacted] capriciously granted those attorneys' fees out of the blue. [redacted] was surprised as he never asked or expected to be granted these attorney's fees. I know this because I was sitting there while Judge [redacted] egregiously assessed those fees against Me and [redacted] It was at that moment, it became apparent to me that Judge [redacted] was bias against [redacted] But I was still far from realizing that [redacted] were actually working together, against me.

Then, after some [redacted] had passed since [redacted] filed their lawsuit on [redacted] uncovers for the first time, a new exhibit (See 8.) in their Motion for Partial Summary Judgement dated [redacted] (See 7.). I immediately knew this [redacted] never came from my office.

I first gave [redacted] an opportunity to hear my objection to the [redacted] at my deposition (See 9.). After I realized [redacted] was serious about submitting this [redacted] into Court, I filed a Complaint (See 21.) on [redacted] against [redacted] for producing a fraudulent document. It is important to Note; that this Complaint included Affidavits from [redacted] (See 11.) and [redacted] (See 12.), both dated [redacted]

Then on [redacted] files a Motion for Leave to File Second ... (See 14.) releasing yet another New Exhibit (See 15.) [redacted] said he found this email from [redacted] dated [redacted] by looking through [redacted] emails in the 24-gig flash drive he obtained from the [redacted] email instructs [redacted] to send a note to all the [redacted] that reads nearly identical to the [redacted] I have been accusing [redacted] of fraudulently fabricating.

I was not able to find the [redacted] email anywhere in any of my Computers, so on [redacted] I filed another Complaint (See 20.) against [redacted] claiming he fabricated the [redacted] email (See 15.) However, I did make a statement in the Complaint making it contingent upon the response that [redacted] assistant sent out to [redacted] assistant who said she could show us how to find the email and to get word back from [redacted] from the [redacted] to see if he could find the same. " [redacted] . Consequently, the email was found in [redacted] computer, and [redacted] immediately notified the [redacted] and withdrew his [redacted] Complaint.

It is important to note; 1.) I never submitted this [redacted] Complaint to the Court as an exhibit or evidence. 2.) It is important to note that this [redacted] Complaint contained [redacted] affidavits, [redacted] from [redacted] and the [redacted] were dated [redacted] and [redacted] of which were never submitted to the Court as an exhibit or evidence. 3.) It is important to note that the [redacted] were exclusive to the [redacted] Complaint. 4.) It is Important to note that only the [redacted] were in direct contradiction to the [redacted] email, whereas these [redacted] deny [redacted] ever produced the [redacted] email.

On [redacted] solely based on [redacted] "Motion" (14.) which included [redacted] testifying to the details of [redacted] Complaint (21.) and its [redacted] contained therein', and the newly discovered [redacted] (15.) from [redacted] Judge [redacted] launches her " [redacted] " (19.) Deeming the [redacted] a proverbial " [redacted] ", and finding, [redacted] who knowingly signed false Corporately and (personally) and [redacted] sworn affidavits with this Court on [redacted]

Armed with this Off-Point Document, Judge _____ also found that _____ facilitated the filing of the false sworn affidavits. Judge _____ sets a _____ Hearing which was later extended to _____. It is important to Note the date of the Affidavits cited in the " _____ " was _____

It's been my position all along the _____ (See 11.) & (See 12.) were never a contradiction nor a coincidence to the _____ (See 15.) email. Just because _____ suspiciously found an email that mimicked the dialogue _____ (See 8) only proves that; 1.) We now know where _____ got the idea to fabricate the fraudulent _____ 2.) The time-line shows getting the flash drive in _____ comes up with a check stub " _____ " (See 8.) later in his _____ Motion, then _____ says he sifted through _____ emails on a flash drive and miraculously finds this _____ (15.) email, and presents it to Judge _____ and then Judge _____ goes " _____ " against _____ over it. It is very odd that _____ would launch an exhaustive search into _____ emails looking for evidence relating _____ that clearly never came from an email.

Judge _____ absolutely violated the law under [A.R.S. Sup. Ct. Rule 48L] when she publicly retaliated against _____ for filing a _____ Complaint against _____ by unilaterally launching her Under-Advisement Ruling on _____ But the moment Judge _____ unilaterally launched her _____ on _____ against _____ she flagrantly broke the law.

Once we got started at the _____ on _____ it quickly became clear that Judge _____ and _____ based their entire Case on the _____ and not the _____ came in to the Court Room with nothing but _____ and _____ which were never submitted into Court by _____ (See 23.) & (See 24.). Judge _____ was bias, hostile, threatening and intimidating towards _____ and totally violating Rule 2.3. of the Arizona Code of Judicial Conduct.

During the _____ and the events that followed; it is uncanny how Judge _____ and _____ were synchronized in their efforts to switch _____ Affidavits to the _____ and then switch " _____ " presented the _____ at the _____ You should note that Judge _____ and _____ tried to give the Court the impression that the _____ were a separate document, and did not come from any _____ Complaint. And then later claiming the _____ were accepted by _____ as a standalone document and that it was who provided them to the Court. You should note this infraction stays consistent with Judge _____ and _____ during the Hearing (See 23.) and the Ruling (See 26.).

Then on _____ proposes his _____ to Judge _____ (See 45.).

Judge _____ signs _____ Order (With No Amendments) on _____ (See 26.). You should note the Ruling is not based on the _____ The Ruling is primarily based on the _____ Complaint and its _____ are the only evidence that could be used to contradict their " _____ email.

Although the record will show several violations made against _____ rights in a variety of ways, including preventing him from presenting his evidence. The most serious of these Violations are seen in the Ruling (See 26.) The Counts Judge _____ makes against _____ are directly tied to Judge _____ and _____ efforts to set _____ up in the _____

Although these Counts are repeated many more times with different points of view and opinions throughout this complaint along with numerous other violations; the following Counts found in Judge [REDACTED] Ruling are central to this complaint;

Page 7, [REDACTED] "

Page 7, [REDACTED] "

Page 7, [REDACTED] "

Page 7, [REDACTED] "

Page 7, [REDACTED] "

Page 7, [REDACTED] "

Page 7

23. "

You should note there are [redacted] instances where Judge [redacted] and [redacted] Rang-Out
"[redacted]" ([redacted] Affidavit) in one form or another, "[redacted]", "[redacted]"
[redacted]", Obviously trying to Force the Record to uphold the
acceptance of Exhibit 10, in the face of [redacted] opposition.

Page 7,
24. "

[redacted] admitted both, [redacted] Affidavits, [redacted] objected.
See Page 55, Starting on Line 21 and ending on Page 58 Line 6 of the [23.] [redacted]
Transcript 8.22.17]. Whereas; [redacted] " [redacted] ". Exhibit (14) is
the [redacted] Complaint which contains the [redacted] Affidavits of [redacted] and [redacted]
[redacted] Also See Page 51, starting on Line 4 and ending on Page 53, Line 17, of the (23.)
[redacted] Transcript.

You should note there are [redacted] instances where Judge [redacted] and [redacted] Rang-Out
"[redacted]" ([redacted] Affidavit) in one form or another, "[redacted]", "[redacted]"
[redacted]", Obviously trying to Force the Record to uphold the
acceptance of Exhibit 10, in the face of [redacted] opposition.

Page 8,
27. "

You should note there are [redacted] instances where Judge [redacted] and [redacted] Rang-Out
"[redacted]" ([redacted] Affidavit) in one form or another, "[redacted]", "[redacted]"
[redacted]", Obviously trying to Force the Record to uphold the
acceptance of Exhibit 11, in the face of [redacted] opposition.

Page 8,
28. "

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**