

STATE OF ARIZONA	)	IN THE SUPREME COURT OF THE STATE OF ARIZONA
	)	ARFLP RULE 72 "FAMILY LAW MASTER"
	)	(AND RELATED CAUSE NO. CV2015-014152)
	)	
PETITIONER,	)	RE: PETITION TO AMMEND
Martin Lynch	)	ARFLP RULE 72 R-16-000XX
	)	
	)	
NOTICE PROVIDED TO,	)	
All Family Court Judges,	)	
of the County Superior Courts, State of Arizona	)	
All Attorneys practicing Family Law in Arizona	)	
Individual Names of the above shall be added as the	)	
Need Arises	)	
Hon Janet Barton	)	
Presiding Judge Superior Court of Maricopa County	)	
Annette Burns, Attorney and Parenting Coordinator	)	
John and Jane Does	)	

**Notice of Federal *Younger* Doctrine Alert**

It has become a concern to this Petitioner that Rule 72 has become a work around for the defunct and defective Rule 74. The same problems exist for Rule 72 as Rule 74 so that hole is easy to plug with another Rule change Petition for Rule 72 and lawsuit if necessary. *Lavit v Superior Court* says the same thing when applied to Rule 72 or Rule 74. It makes no difference. The reality is that when Parenting Coordinators are finally brought under control and the worst of the corrupt and unlawful practices eliminated, they may make less money. Perhaps instead of making \$500,000 per year a Parenting Coordinator might make only \$175,000 per year. It is only natural to expect that anyone would not want to take a financial hit like that and would move heaven and earth to preserve the \$500,000 per year income, or however much it is.

It is easy to understand that all of those feeding at the \$500,000 per year trough want to keep doing it and are not immediately able to wrap their minds around the concept that it is going to stop. Their problem is that they have overreached. So many Families and Children have been

harmful that the People of the State of Arizona are simply not going to tolerate it any longer. On Jan 8, 2016, evidence of the scale of the abuse suffered by this community was filed into CV2015-014152 which is a public document.

Rule 72 suffers from many of the same unlawful problems and deficiencies as Rule 74. So what is a judge or attorney to do when facing Federal action to which they have no immunity? The answer is simple and easy. Follow the law in a manner approximately as follows.

## **Lawful Rules for Family Court Judges**

### A) Written Orders for Rules 72 or 74

1. Immunity: Activities which are ministerial and not part of the clerical and reporting functions or activities contrary to a court order are unprotected. (Quoted directly from *Lavit v Superior Court* per note 3 of ARS 25-406) Any order issued with the old language which serves to propagate the false and contrived notion of “Judicial Immunity” may render themselves a conspirator in a fraudulent scheme in violation of ARS 13-2310 and/or 18 USC 1341, 1349.

2. No order of appointment may impede anyone’s access to the judicial system. The new Rule 74 contains such unlawful language which must be removed either by the Family Court Judge or the Appellate Court or a Federal Court where these infractions may be actionable as Civil Rights violations under 18 USC 241, 242.

The above noted Federal statutes carry penalties of fines and incarceration ranging up to 20 years in Federal prison to which nobody noticed herein has any immunity whatsoever.

### B) Items which need to be in the Rules and otherwise followed to stay out of Appellate and Federal Courts

3. The court may not grant powers to anyone beyond those granted to the court by statute.

4. The court may not make an order abridging due process rights including but not limited to rights to disclosure. (PCs have recommended and Judges ordered such violations of law.)

5. A written complaint of a violation of Title 13 Criminal code shall be forwarded by the court to the appropriate law enforcement agency where it shall be lawfully processed. (No protections from unlawful felony criminal violations now exist in Family Court.)

C) Items which need to be in the Rules to better serve the public as R-15-0006 was tasked to do.

6. The court shall appoint a provider covered by insurance should one be available.

7. In situations of post decree conflict the court may appoint an advisor for a period not to exceed eight months. After this period should the conflict persist the court may revisit the provisions of the decree and make lawful revisions based upon evidence.

This document is an open declaration by Petitioner that “The Rule of Law Shall Prevail”. This includes respect for the due process right of those “Noticed” in this document to be duly informed in a timely manner of the full extent of current and actual, as well as potential subsequent charges that might arise and the associated remedies to which they might be exposed.

Therefore, comes now Petitioner, Martin Lynch, noticing the Court and all parties of the fact that he is giving his formal Federal *Younger* doctrine alert, as to any and all Federal questions raised within these proceedings that may still lack proper resolution in compliance with written law and established due process, and providing fair and reasonable opportunity for the Arizona State court system to comply with all aspects of Federal law therein, by stating and providing thusly:

As shall be thoroughly detailed by the undersigned’s arguments, testimonies, and exhibits as offered in this Rule Change petition and associated Civil action CV2015-014152 the Arizona Courts now have the opportunity to correct the problems and breaches of law “Noticed” herein. Issuing scores of unlawful orders would not be too smart after being duly apprised of the legitimate and lawful consequences noted. Petitioner and all the people of the State of Arizona expect that all orders issued by the Arizona Judiciary be lawful and protect the rights and serve the welfare of the people. We do not expect nor shall we tolerate being fed into a criminal fraudulent scheme to steal our money by stoking the fires of conflict thereby harming us and our children.

Any order issued by a Family Court Judge of any County Superior Court in Arizona is expected, and required to be lawful and provide for the safety and welfare of the citizens of Arizona, especially our children. Each order issued by the Family Court bears the signature of that Judge, and nobody else. Should any judge end up with Federal agents combing through email, phone and financial records, a defense of “Judge Barton and Annette Burns said everything I’m doing is OK” probably won’t be much help.

Any Attorney practicing Family Law in Arizona would do well to advise their clients of their right to an appeal should a court issue an unlawful order in any manner described herein. Failure to do so might ultimately render that attorney actionable as part of a conspiracy to defraud or any of the other Federal Crimes listed. An attorney would be well advised to have documentation confirming such notification handy should Federal investigators come to visit.

The problems at hand are now manageable. Violations of State and Federal law that expose the public and our children to harm must be addressed. Rules 72 and 74 must be reviewed and revised in order to be lawful as prescribed by statute. At this time almost everyone is safe and secure.

Moving forward, should this orderly and lawful process of reform be nefariously corrupted or subverted then everything changes. Those who insist on preserving the old order of stealing money by promoting family conflict and harming our Families and Children will be pursued all the way to the gates of a Federal prison. Should the matters in question become so utterly defective and grossly inadequate as to deprive Petitioner and all the citizens of Arizona of even the most basic precepts in the well established course and due process of American jurisprudence and law; in particular, the sheer amount of ongoing bias, prejudice, and fraud exhibited within Rule 72 and 74 and the unlawful manner in which these Rules have been formulated, perpetrated

in order to actually aid, abet, conceal and cover-up *repeated* and *continual* acts of violations of law, State and Federal criminal statutes, and thus the due process rights of every citizen of the State of Arizona including not only Petitioner but also all the Families and Children past, present and future yet to be victimized by the Fraudulent Schemes and Artifices embedded within the past and present versions of Rules 72 and 74 as created by the Arizona Judiciary. Petitioner would be forced to assert that these criminal acts not only violate ARS 13-2310 but also 18 USC 1341, 1349, and Chapter 96 and other noted Federal crimes exploiting vulnerable families in crisis and their minor children so that the friends of those crafting Rules 72 and 74 can take money from their victims under the color of law. Petitioner asserts that these crimes perpetrated upon the citizens of this State and their innocent minor children would not only be considered grossly disdainful and ghastly, but indeed, criminal.

As Petitioner previously pointed out, all that Judges and attorneys need to do is follow the law and affix their signatures to orders and documents that are lawful. For almost everyone, complying with the law will be obvious and easy. Of course there will those few who simply do not understand reasonable thought. For them the remedies and sentences stated in 18 USC 1341 and other Federal statutes listed herein are quite different and appropriate. Nobody listed in this Notice or anywhere in the State Court system has any sort of immunity from actions or penalties prescribed by this or the other Federal statutes which might be violated in this case.

Should the State courts of Arizona be unable to render justice, the Federal court system shall not abstain from hearing and enjoining those same unlawful practices under either the *Younger* doctrine (e.g., see *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny), or other doctrines normally requiring exhaustion of all administrative remedies before applying for a Federal injunction to swiftly address flagrant human and civil rights violations. It would also be deemed

unreasonable to presume that justice might assuredly be served in any court in the State of Arizona since the evidence might show that perpetrators of these fraudulent schemes and unlawful conduct to be the very people in charge of and directing the affairs of these very same judicial institutions.

Title 28 U.S.C. § 2283, the anti-injunction statute, prohibits Federal courts from enjoining state court proceedings, but the statute exempts from the scope of that prohibition any injunctions which are “expressly authorized” by another Act of Congress. The United States Supreme Court has previously determined that actions brought under the Civil Rights Act of 1871, 42 U.S.C. § 1983, are well within the “expressly authorized” exception to the ban on Federal injunctions. *Mitchum v. Foster*, 407 U.S. 225 (1972).

By giving this formal written notice, Petitioner seeks to preclude any flagrant civil rights violations at play in this matter, and by giving the required formal opportunity for the state court system to now correct those same violations of basic, well established due process rights. Absent this, the Federal courts would be free to, and indeed obligated to address the same matters if the Arizona State court system were to display itself unable to do so.

**WHEREFORE**, the Petitioner has now provided the above required and otherwise reasonable notice and alert, and all other parties, persons and entities herein are now deemed duly advised in conformance with all requirements of the Federal Courts should actions there become necessary.

Respectfully submitted,

*/s/ Martin Lynch*

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CERTIFICATE OF SERVICE

I hereby certify: that on this   11th   day of January, 2016, a true and complete copy of the foregoing *Notice of Federal Younger Doctrine Alert*, by physical delivery and certification of same, has been duly served upon the following:

Janet Barton – Presiding Judge of the Superior Court of Maricopa County  
Annette Burns – Attorney and Instructor for use of Rule 72  
Family Court Judges to follow  
Family Court Attorneys to follow  
John and Jane Does – As they emerge

*/s/ Martin Lynch*

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