

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. CATHERINE M WOODS

CASE NO. **C20145242**

DATE: August 3, 2016

LARRY ELEM
Plaintiff

VS.

CLARENCE W DUPNIK, ET AL.
Defendant(s)

ORDER

**IN CHAMBERS RE: PLAINTIFF'S MOTION TO REOPEN CASE AND WAIVE SERVICE OF
PROCESS FEES AND COURT FEES**

The Court has reviewed the Plaintiff's Motion referenced above, filed June 27, 2016.

The Court also has reviewed and considered the entire Court file. Plaintiff's Motion presents a successive request that the Court already has carefully considered and denied on five previous occasions dating to November 2015. In addition, and much more troubling, Plaintiff's Motion reflects an attempt to perpetrate a fraud upon the Court in order to obtain relief that previously was requested and denied on multiple occasions. Plaintiff presented his June 27, 2016 Motion to a judicial officer who is not assigned to this case, and he attached to it a manipulated copy of a Court Order dated June 1, 2015, which was issued in a completely separate case, to make it appear that the Order was issued in this case. The assigned judge in this case is quite familiar with the case from which the June 1, 2015 Order issued: *Larry Elem vs. Pima County Jail Law Library et al.*, Pima County Superior Court Case No. C20145320. No such Order was issued in this case. In fact, this case already had been dismissed by the time the June 1, 2015 Order was issued. The clerk of court has not violated any Order issued in this case, and did nothing to impede or prevent Plaintiff from timely and properly pursuing this litigation.

On this record, the Court finds that Plaintiff Larry Elem has engaged in vexatious conduct and he is a vexatious litigant as defined in A.R.S. § 12-3201(f), through his repeated filing of documents or requests for relief that have been the subject of five previous rulings by the Court in the same litigation. He has done so without substantial justification. He is deserving of a heightened level of scrutiny before the Court will accept any future filings. He also is deserving of a sanction pursuant to Rule 11(a), A.R.C.P. for falsely claiming in his

Maria Mendoza

Judicial Administrative Assistant

ORDER

Motion that he is entitled to the relief requested due to the clerk of court failing to comply with an Order that never in fact had been issued in this case. Given his status as an inmate and likely having no assets that could be used to pay a monetary sanction, the Court finds the appropriate sanction is to share with the Presiding Judge of this Court, the Presiding Judges of the Civil, Family and Probate benches, and the Clerk of Court the information that Larry Elem has engaged in deceptive and sanctionable practices as a self-represented litigant in this Court.

IT IS ORDERED denying Plaintiff's Motion to Reopen Case and Waive Service of Process Fees and Court Fees.

IT IS FURTHER ORDERED designating Larry Elem a vexatious litigant. Pursuant to § 12-3201(B). Larry Elem may not file any new pleading, motion, or other document in this Court without prior leave of Court.

IT IS FURTHER ORDERED that this Order shall be distributed to the Presiding Judge of this Court, the Presiding Judges of the Civil, Family, and Probate benches of this Court, the Clerk of Court, and the Chief Deputy Clerk of Court.


HON. CATHERINE WOODS
(ID: 5857ad74-e1bd-430f-85cc-0e4d3d701e7b)

cc: Hon. Catherine M Woods
Hon. Charles V. Harrington
Hon. James E Marner
Hon. Jeffrey T. Bergin
Hon. Kyle Bryson
Larry Elem
Case Management Services - Civil
Clerk of Court - Civil Supervisor
Clerk of Court - Civil Unit (Attn: Keith Ylvisaker and Jim Orr)
Clerk of Court - Under Advisement Clerk
Chef Deputy Clerk of Court, Greg DeMerritt
Clerk of Court, Toni Hellon

Maria Mendoza
Judicial Administrative Assistant