

310G

COURT OF APPEALS DIVISION ONE
STATE OF ARIZONA
FILED

JUL 28 2011

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

RUTH WILLINGHAM, CLERK
BY 5

IN RE: MOTION FOR VEXATIOUS) Court of Appeals
LITIGANT [ROBERT EARL KRONCKE]) Division One
FILED IN 1 CA-CV 10-0676,) No. 1 CA-AO 11-0002
)
) DEPARTMENT M
)
) O R D E R
)

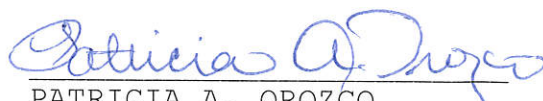
Judges Patricia A. Orozco, Donn Kessler, and Michael J. Brown have considered appellee's Motion for Vexatious Litigant (filed in 1 CA-CV 10-0676) and the response and reply.

IT IS ORDERED granting appellee's motion in part by declaring Robert Earl Kroncke ("Kroncke") a vexatious litigant. Kroncke has filed approximately 35 civil appeals since 1999. Many of the appeals cover issues already decided with finality. This court has spent significant time and resources on Kroncke's civil appeals that lack merit.

IT IS FURTHER ORDERED that Kroncke may not pursue any further civil appeals in this court without first obtaining leave of the court to proceed with the appeal.

IT IS FURTHER ORDERED that Kroncke must follow the following procedure to seek leave to proceed. Following a timely filing of the notice of appeal in the superior court and the transmission of the index of record to this Court, Kroncke must

file, for the attention of the Chief Judge of this court, a request for leave to proceed that identifies the issues in his appeal and describes how the issues are new and have not been raised or decided by this court in his previous appeals. See *In re Martin-Trigona*, 9 F.3d 226 (2d Cir. 1993). The request for leave to proceed must be filed within 15 days after this court issues the filing fee assessment order and must be served on the appellee[s]. If Kroncke fails to file such a request, the appeal will be dismissed pursuant to Rule 25, Arizona Rules of Civil Appellate Procedure. If Kroncke timely files the request, the appellee[s] in the appeal may file a response to the request for leave to proceed no later than 20 days after service of the request. If a response is filed, Kroncke may file a reply no later than 10 days after service of the response. If the Chief Judge or his/her designee determines that the appeal raises no new issues, the appeal will be dismissed pursuant to Rule 25. If the Chief Judge or designee determines that the appeal raises new issues, an order will be issued to allow the appeal to proceed and to set the deadline for filing the opening brief.


PATRICIA A. OROZCO
ACTING PRESIDING JUDGE

Page 3

1 CA-CV 10-0676

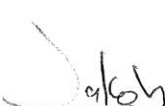
Maricopa County Superior Court
CV2008-020850

A true copy of the foregoing
was mailed July 28, 2011 to:

Michele M Iafrate
Courtney R Cloman
Iafrate & Associates
649 N 2nd Ave
Phoenix AZ 85003
Attorneys for: Defendants/Appellees

Robert Earl Kroncke, ADOC 121738
Arizona State Prison
Florence - Eyman Complex-Rynning Unit
P O Box 3100
Florence AZ 85132

Ruth Willingham, Clerk
By



Deputy Clerk