

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-160

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Complainant: No. 1267910319A

Judge: No. 1267910319B

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**ORDER**

The complainant alleged that the judge failed to rule on his motions within 60 days. The commission reviewed the matter and found that one motion was delayed. The investigation revealed that the complainant had filed numerous motions at the same time on several occasions, which contributed to the inadvertent delay in ruling on the motion. The commission found no misconduct on the part of the judge and advised the court to implement additional procedures for tracking motions in the future.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: October 31, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 31, 2006.

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

Complaint against [ ] Superior Court

1. On [ ] I filed a Motion for Leave to Amend my complaint, which was ignored by Judge [ ] for over five (5) months. On [ ] I filed a Request for Ruling on his Motion to Amend. On [ ] Judge [ ] signed an order allowing me to Amend and Supplement my complaint. I amended and supplemented my complaint as allowed by the Court. Then suddenly, on [ ] Judge [ ] struck my amended complaints because **"no leave of Court was requested or given..."** I am completely taken aback at this arbitrary, capricious decision by Judge [ ] **This action and order is so egregious that it calls into question every other decision made by Judge [ ] in this matter to date.** It is abundantly clear from the Court record that I requested and was given leave of court to amend his complaint by the very Judge who then dismissed it because I supposedly did not obtain leave of court. I believe the Judge's failure to rule on the motion for five months is this is both a willful and failure to perform duties. I believe that her dismissing my complaint for failure to obtain leave of court after granting same is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute.

Canon 3.A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently:

B. Adjudicative Responsibilities.

(2) A judge shall be faithful to the law and maintain professional competence in it.

2. On [ ] Judge [ ] issued an order that **"30 days advance notice be given to all parties of any deposition of [ ]** Though no notice whatsoever was ever given to [ ] and only 28 days notice was given to me, Judge [ ]

refused to grant a protective order or continue the deposition. Only ONE WEEK after ordering that 30 days advance notice of the deposition of [ ] be given to all parties, she refused to uphold her own order. Whether the Judge is impaired, incompetent or unlawfully influenced, the result is the same; a clear and obvious bias in favor of the Defendant in this matter. I believe that her refusal to grant an order of protection or continue a deposition scheduled without any notice less than two weeks after ordering that 30 days advance notice was required to all parties is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute.

3. Judge [ ] has denied Motions for Partial or Summary Judgment filed by myself and others because they did not contain affidavits, yet Rule 56 clearly states that affidavits are not required. I believe that her denial of Summary Judgment motions based solely on the fact that affidavits were not included is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute.

Rule 56(a). For claimant

A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of twenty days from the service of process upon the adverse party, but no sooner than the date on which the answer is due, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

4. Early in this case, I filed numerous motions to strike pleadings filed by the opposing attorney because no Notice of Appearance, no Substitution of Counsel, and no Association of Counsel has EVER been filed in this matter. The judge has arbitrarily ruled that Rule 5.1 of the A.R.Civ.P. does not apply in her court. She has even allowed the opposing party to file pleadings which were unsigned by anyone. This decision has deprived me of due process as I have no official notice of which attorney(s) represent the

opposing party. I believe that Judge [ ] decision to ignore the Rules of Procedure is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute.

5. Early in this case, I filed Motions to strike pleading filed by opposing counsel because NOT A SINGLE PLEADING TO DATE has been signed in an attorney's individual name. I have no idea who signs the pleadings. Rule 11(a) is VERY clear as to this matter. As many as perhaps 50 pleadings have been filed in this matter and none has been filed in an attorney's individual name. Each bears an indistinguishable signature scrawled over a LIST of attorney names. (included are but a few examples; dozens upon dozens are available) I believe that Judge [ ] decision to ignore the Rules of Procedure as to Rule 11(a) is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute. Her decision has deprived me of due process as I do not even know the identity of the person signing the pleadings or whether or not he or she is an actual attorney.

Rule 11(a) A.R.Civ.P.:

*"Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name...."*

6. On or about [ ] I filed two separate Motions to Compel with the Court; one to compel the opposing side to answer Requests for Admissions which they refused to do, and one to compel the opposing side to comply with a Request for Production. To date, three and a half months later, the judge has yet to act upon my motions, and I am unable to conduct any discovery. It is as if the Judge is 100% on the opposing parties side. I believe that Judge [ ] failure to rule on my motions to compel is either habitual intemperance, a violation of the Code of Judicial Conduct (Canon 3), or conduct which brings the judiciary into disrepute.