

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-232

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Complainant: No. 1317710346A

Judge: No. 1317710346B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised are legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: October 2, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 2, 2007.

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

Thomas S Neil  
2942 Indian School Road #d262  
Phoenix, Arizona, 85016  
(602) 957-5015/ (602) 405 6097  
(\* ) **Petitioner**

**CJC - 07 - 232**

**Superior Court of Arizona  
Maricopa County**

Thomas S. Neil  
**Plaintiff/petitioner**

Case number: CV2007-004381

John K. Moran  
**Defendant/Respondent**

Liberty Mutual  
**Secondary Defendant**

**Title:** Commission on Judicial Conduct  
Clerical Error On Order Request

Plaintiff has entire Motion for Reconsideration from the Court under Rule 5 (h), 6 (d), 7.2 (d) (b) and Rule 4 hereby ask of the Court renewal of Motion for Judgment as a matter of law in issue of False Pretenses, Fraudulent Conveyances, and Negligence file May 08, 2007 in conjunction with Motion for Dismissal file with Defendant and Honorable Janet Burton, no record of Clerk of Court as of April 12, 2007, 3:18 p.m.

Plaintiff Thomas S Neil by and through undersigned counsel hereby requests, pursuant to the provisions of Rule 7.1 (E), Ariz.R.Civ.P that the Court reconsider its Motion to Dismiss. This motion is supported by the materials filed May 08, 2007 Title Motion False Pretenses, Fraudulent Conveyances, and Negligence previously submitted to the Court concerning failure to state claim upon relief with Motion to Dismiss.

Plaintiff Thomas S. Neil submits the following legal authorities in support of his motion for Reconsideration:

1. Clerical Errors maybe corrected in Superior Court at anytime. Maybe corrected during pendency of Appeal before appeal is docketed or thereafter, with leave of the appellate court. Rule 60 (a), Ariz.R.Civ.P.
2. Amendment to Pleadings a pleading maybe amended once as a matter of rights before a responsive pleading is served. A pleading to which no responsive pleading is required maybe amended without leave of court within twenty (20) days after it is served, if the action has not been placed on the trail calendar. In the other circumstances, leave of Court or written agreement of the parties is required Rule 15 (a), Ariz.R.Civ.P

3. Supplemental pleadings may only be filed with leave of Court to set forth transactions, occurrences, or events which have taken place since the date the original pleading was filed. Rule 15 (c), Ariz.R.Civ.P. cf. Rule 13 (f), Ariz.R.Civ.P.

Rule 12 (c) Motion for Judgment On Pleading after the pleading are closed but within such time as not to delay the trial, any party may move for judgment on the pleading. If on a motion for judgment on the pleading, matters outside the pleadings are presented to and not excluded by the Court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56 Ariz.R.Civ.P

Rule 12 (e) Motion for More Definite Statement if pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the Court is not obeyed within ten days after notice of the order or within such other time as the Court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

Notice is hereby given that the above named Thomas S Neil / Plaintiff appeals to the Commission On Judicial Conduct of The State of Arizona from the judgment entered in this action on the 06 day of August, 2007.

Dated this 27 day of August, 2007.

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Pro Per/ Plaintiff  
2942 E. Indian School Road #d262  
Phoenix, Az 85016