

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-045

Complainant: No. 1412610588A

Judge: No. 1412610588B

ORDER

The complainant alleged that a superior court judge made incorrect rulings and demonstrated racial bias against him at the beginning of his trial by making inappropriate references to Obamacare and to the complainant being a "person of color." The commission reviewed the allegations and the transcript of the trial and found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 2, 2011

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 2, 2011.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2011-045

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 2-10-2011

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

When THE JUDGE CAME INTO THE COURTROOM AT 9:00 AM on FEB 1, 2011 THE FIRST THING HE DID WAS TO START TALKING ABOUT PRESIDENT OBAMA AND OBAMACARE. Next He spoke TO THE JURY AND INFORMED THEM THAT THE CASE WAS ABOUT A CORPORATION, yellow CAB OR AAR, AND A "PERSON OF COLOR", AS HE CALLED ME. I DIDN'T UNDERSTAND WHAT OBAMACARE OR MY COLOR HAD TO DO WITH ANYTHING. I WAS IN COURT BECAUSE A CORPORATION STOLE MY MONEY, EMPTIED MY BANK ACCOUNT OF MY LIFE SAVINGS, ADVERTISED ON MY TAXICABS FOR PROFIT, BUT GAVE ME NOTHING, AND OVERCHARGING ME FOR YEARS ON 5 OF MY TAXICABS. I DIDN'T UNDERSTAND WHY HE BROUGHT UP OBAMACARE OR MY COLOR. I WAS ALSO INSULTED AT THE "PERSON OF COLOR" COMMENT, BECAUSE IT WAS OBVIOUS WHO I WAS BECAUSE I WAS SITTING AT THE PLAINTIFF TABLE. TWO OF MY WITNESSES WERE IN THE COURTROOM. THEY WERE JOE CARTER AND MARQUES MASSIONGALÉ, BOTH JOE AND MARQUES WERE VERY IMPORTANT WITNESSES.

(Attach additional sheets as needed)

Joe Carter and Marques Massiongale had been on my witness list, since the beginning of my lawsuit. However, as soon as the Defendants Attorney Byrl Lane, saw them in the courtroom, he told the Judge not to allow Mr. Carter to testify, because of late disclosure. Mr. Carter has been on the list since 2007.

When my Attorney Diane Lalosh argued this, the Judge precluded Mr. Carter until later. He later said Mr. Carter couldn't testify at all. Mrs. Lalosh told the Judge that she had told Mr. Lane about Joe Carter, again and that he had been subpoenaed, and still Mr. Lane never deposed Joe Carter. He chose to depose me instead. Mrs. Lalosh, told the Judge that she didn't have to depose her own witness, and that Mr. Lane was free to depose him, but he didn't.

This Judge was obviously completely on the side of the Defendants, and didn't seem to care who knew.

When I asked Mrs. Lalosh, how can he get away with ignoring the law? She told me, that the Judge was "A LOOSE CANNON, WHO DID ANYTHING HE WANTED TO DO". She also said, that it was unlikely that Mr. Massiongale, would be able to to say anything either.

The Judge systematically ripped out all of the guts of my case.

Hossein Dibizar, was deposed by my first Attorney Robert Lundquist, back in 2008. In which he was caught lying under oath.

Linda Lewis, was also deposed at that time, and her testimony contradicted everything Mr. Dibizar said, about him saying "that I was driving 5 cabs at one time". This is impossible, and yet the Judge told my Attorney, we couldn't even bring this up. Any Jury would have found this laughable. Plus, at the time I didn't even live in Arizona. He also had all of my drivers signing in their computers, under my name. That in itself is insurance fraud, and a danger to the public.

My Attorney Mrs. Lalosh, told me before the court day, that the Judge would not allow us to even bring up the most of the evidence in my case.

When the Judge told the Jury what the case was about "between ^A corporation, and ^A person of color", he never mentioned the serious misconduct of the Defendants. He only mentioned the small minor things, like advertising and \$50.00 a week, thefts by the Defendants.

The real reason that we were in court, was never allowed to be brought up. The breach of contracts, were supposed to include all of the important information, but instead was kept from the Jury, by the Judges interference.

You can compare it to a defendant, getting away with murder, but being found guilty of a parking ticket at the scene of a crime.

The Judge steered my case away from the original charges, to a much smaller insignificant case about advertising. Then he wouldn't even assist the Jury when they asked him, how long this went on. They had no idea how to award me damages, for how long, or for how many cabs.

My trial was a farce and a joke, and it was all orchestrated by Judge _____ and Byrl Lane.

Joe Carter was not allowed to testify, because he worked at AAA Cab Company for over 10 years, and he knew all about their underhanded dealings. Mr. Lane knew Mr. Carter was about to expose everything, so he TOLD _____ not to let him testify.

Mrs. Lalosh also seemed to be terrified of the Judge. I kept asking her to say certain things, about the important issues in my case, and she was afraid to say them. She was actually afraid of making the Judge mad, and it showed. AGAIN, the main theme of my case

wasn't about advertising, nor was it about the \$50.00 a week overcharges on my 5 cabs. But the Judge wouldn't allow us to even talk about the real case, he insisted on making it about what he wanted it to be about.

I lost hundreds of thousands of dollars, because the owner of AAA Cab Company, wouldn't allow me to get drivers for my cabs, and we were not allowed to even bring it up. We had boxes of evidence to prove this, and YET Mr. Lane used the Judge to keep us from presenting or even talking about the REAL CASE.

I was basically fighting against the Judge and the Defendants Attorney. It was as if everything was pre determined. Mr. Lane seemed to have access to the Judges Chambers, and I thought that was also strange. I told my Attorney to back there with him, whenever he went into the Judges Chambers. It didn't look right to me

When the Judge gave the Jury their instructions, he also told them "that if I look like I'm not paying attention, it's because I HAVE OTHER OBLIGATIONS, IN OTHER COURTROOMS, AND I'M PROBABLY THINKING ABOUT SOMETHING ELSE". He would repeat things like that throughout the trial. He told the Jury at one point "THE SOONER YOU GET THROUGH THIS, THE SOONER YOU CAN GO HOME". He gave them a sense of urgency.

At the end of the first day, 02/01/2011 for some reason they {THE ATTORNEY'S AND THE JUDGE} went behind closed doors, to talk about the Jury instructions.

In a case that involves the Plaintiff, being reimbursed for loss of finances and damages. Byrl Lane and the Judge, told my Attorney Diane Lalosh, that she couldn't even mention the word "PUNITIVE" to the Jurors. I'M NOT AN ATTORNEY, BUT THAT MAKES NO SENSE TO ME WHATSOEVER.

FIRST, the Defendants Attorney Byrl Lane, was able to stand up in court and tell an OUTRIGHT LIE to the Judge, that Mr. Carter had not been disclosed, and get away with it, AND NOW THIS. I'm sorry but, I DON'T BELIEVE THE JUDGE DIDN'T KNOW BYRL LANE WAS LYING. I BELIEVE THE JUDGE WAS PART OF THE LIE. My Attorney could have easily proven that, what she said was true. She had an email discussion with Byrl Lane about this.

My attorney Diane Lalosh, told me that she and the Judge, belong to the same ALFA Romero Auto Club. It seems that she has maybe had some kind of bad experience, with Judge before, Because she was terribly afraid of him.

The next day 02/02/2011, my Attorney only asked a few unnecessary questions, and before you know it the trial was over.

None of the evidence, we had worked so hard to present at trial, was able to be presented.

THANKS TO THE JUDGE, TYING OUR HANDS BEHIND OUR BACKS, ON THE ORDERS OF BYRL LANE.

The Jury went to lunch and came back at about 1:30pm, they went into deliberations at about 1:30pm, at one point the Bailiff came out and told the Judge, that the Jurors needed help with a couple of questions. One question was, "how long did Mr. have a business relationship with AAA Cab Company, and when did it end"? The Judge looked over at Mr. Lane, as if he was the judge and asked him, "WHAT SHOULD I TELL THEM, SHOULD I TELL THEM TO USE THEIR MEMORY"? TO WHICH MR. LANE REPLIED, "YES, TELL THEM TO USE THEIR MEMORY HA HA". I DIDN'T THINK THIS WAS FUNNY AT ALL. The Judge then turned to my Attorney almost as an afterthought, and said "IS THAT ALRIGHT WITH YOU"? NATURALLY, SHE SAID YES, AGAINST MY OBJECTIONS.

I asked Mrs. Lalosh, "how can the Jury decide, how much to give me back, if the have no time frame to work with"? She just brushed my question off with "I TOLD YOU, THE JUDGE IS A LOOSE CANNON".

Even with nothing to work with, the Jury, decided in my favor on both accounts. I won the decision, but the Jury only awarded me pennies, compared to the amount of money, I lost because they weren't allowed to be told :

1. That there were 5 cabs involved, and the award should have been multiplied X 5.
2. That this went on for years, not months.
3. They weren't told to award me, any attorney fees.

They weren't allowed by Mr. Lane to be told anything. The reason I said, Mr. Lane is because, "THE JUDGE, WAS OBVIOUSLY TOLD WHAT TO DO, BY MR. LANE, NOT THE OTHER WAY AROUND. I suspect that the Judge, Mr. Lane, and my Attorney made the decision, to keep the Jury in the blind when they went into the Judges Chambers.

As we were leaving the courthouse that evening, we encountered Mr. Dibizar, Mr. Lane and Lyle Wamsley outside. Mr. Lane told my Attorney Diane Lalosh, that "YOUR CLIENT WON'T EVEN GET HIS ATTORNEY FEES BACK, BECAUSE THE JUDGE IS GOING TO CALL IT A WASH".

Personally, I believe him, because he seems to be to be the one, who made all of the decisions in Courtroom.

THIS JUDGE NEEDS TO BE INVESTIGATED. I don't think for a minute, that he is going to allow me to retrieve my attorney's fees, if BYRL LANE TELLS HIM NOT TO GIVE THEM TO ME. I'M GOING TO APPEAL BOTH AWARDS, BECAUSE THEY ARE RIDICULOUS. I WON THE BATTLE {THE VERDICT}, BUT I LOST THE WAR {MY MONEY}.

This is the end result of Mr. RACIST COMMENTS, AND HIS ACTIVIST POLITICAL VIEWS. SOMEBODY NEEDS TO TELL HIM THE DIFFERENCE, BETWEEN BEING A FAIR, IMPARTIAL JUDGE, AND PRE JUDGING "PEOPLE OF COLOR".

Then again, maybe I'm wrong to judge him, maybe he was just able to be bought?

I understand and these are some serious charges, but I know what I saw. This man, has no business being on the bench. He's rude, racist, political, and can't leave his hatred for The President at home.

I don't know anything about this Judge, other than what he did to me, but I would be willing to bet, that no "person of color" has ever won a case in his court. He thinks all "people of color" must have voted for Obama.

Thanks for allowing me to speak my piece. At least I was able to get my side of the story out. That's more than I was able to do in court. I DO intend to tell anyone in a higher position, who will listen about this, but I thought your commission SHOULD BE AWARE of the people, you have deciding other peoples fate on a daily basis.

I don't really expect anything to come from this, because I understand that he's one of your own. However, one of these days, he's going to embarrass the whole Judicial Institution in the State of Arizona. He'll see to that, because HE'S A LOOSE CANNON, AND NOBODY SEEMS TO CARE.

I intend to appeal my damages awards. Maybe under a Real Judge, I can get justice.

P.S. I LEFT OUT OF MY LETTER, ONE VERY IMPORTANT PART. IN CASE YOU'RE WONDERING WHY I'M SO SUSPICIOUS OF THE JUDGE? IT'S BECAUSE THE DEFENDANTS IN THIS CASE, MIR MASOOD SHAMSA, HOSSEIN DIBIZAR, HAVE BEEN KNOWN TO BRIBE AND COMPROMISE ATTORNEYS OF THESE LAWSUITS,

OUTSIDE OF COURT. THEY HAVE BEEN INVESTGATED BY EVERYONE FROM THE FBI TO THE IRS. THEY CONTINUE TO GET AWAY WITH RIPPING OFF THE US GOVERNMENT, THE IRS AND THE HUNDREDS OF VICTIMS, WHO HAVE HAD THE MISFORTUNE OF DEALING WITH THEM.

I FIRED MY FIRST ATTORNEY ROBERT LUNDQUIST, BECAUSE I KNEW, HE HAD BEEN BOUGHT BY THE DEFENDANTS. THREE MONTHS AFTER I FIRED HIM, HE WAS STILL TRYING TO GET ME TO SETTLE WITH THE DEFENDANTS, AND HE WAS NO LONGER MY ATTORNEY.

I HAD TO CONTACT THE ARIZONA STATE BAR, AND PLEAD WITH THEM TO MAKE HIM STOP HARRASSING ME.

NOW, STRANGELY ENOUGH, I CAN'T CONTACT MY ATTORNEY DIANE LALOSH. I HAVEN'T HEARD FROM HER SINCE THE LAST DAY OF MY TRIAL. I HAVE EMAILED HER, CALLED HER CELL PHONE, AND HER OFFICE PHONE. IN THE LAST 3 YEARS, I WAS ALWAYS ABLE TO GET IN TOUCH WITH HER, BY HER PHONE OR EMAIL. NOW ALL OF THE SUDDEN, SHE WON'T ANSWER MY CELL PHONE CALLS, OR MY EMAILS. WHEN I CALL HER OFFICE, THE PHONE JUST RINGS AND RINGS. USUALLY, IF NOBODY ANSWERS, I CAN LEAVE A VOICE MAIL. NOW, HER PHONE WON'T EVEN ALLOW ME TO LEAVE A MESSAGE.

THE DEFENDANTS ATTORNEY BYRL LANE, TOLD MY ATTORNEY THAT THE JUDGE IS GOING TO RULE AGAINST YOUR CLIENT, GETTING HIS ATTORNEY FEES BACK, "CALLING IT A WASH". I WONDER HOW HE KNOWS THAT?

I RECEIVED A LETTER DATED 02/02/2011, TODAY THAT THE COURT SENT MY ATTORNEY, OR SHE PICKED IT UP, AND THE LETTER SAID I HAVE 10 DAYS TO FILE AN APPLICATION FOR ATTORNEY FEES. I'M JUST NOW GETTING THE LETTER ON THE 9TH OF FEBRUARY. YET, MY ATTORNEY WON'T TELL ME ANYTHING OR EVEN CONTACT ME.

IF YOU LOOK AT ALL THE LEGAL PAPERWORK, RIGHT UP TO THE TRIAL DATE MIR MASOOD SHAMSA IS ON ALL THE PAPERS, FROM THE COURT AS "DEFENDANT" BECAUSE, HE IS THE OWNER OF AAA CAB COMPANY. YET HE NEVER SHOWED UP IN COURT. HE WAS SCHEDULED TO TESTIFY. THE JUDGE NEVER MENTIONED HIS NAME, MY ATTORNEY NEVER MENTIONED HIS NAME, AND THEIR ATTORNEY NEVER MENTIONED HIS NAME. WE HAD 550 PAGES OF EVIDENCE, AGAINST MIR SHAMSA. YET HE WAS NEVER MENTIONED.

THEIR ATTORNEY MR. LANE, WAS ALSO SCHEDULED TO TESTIFY. HE WAS NEVER CALLED TO THE STAND.

THAT WHOLE ENTIRE PART OF MY CASE WAS "LEFT OUT".

I KNOW ALL OF THIS COULD NOT HAVE BEEN POSSIBLE, WITHOUT MY ATTORNEYS COOPERATION. SHE HAD TO BE PART OF WHATEVER, TOOK PLACE BEHIND CLOSED DOORS.

WHEN I ASKED MY ATTORNEY MRS. LALOSH, "WHY MIR SHAMSA WAS NOT IN COURT"? SHE TOLD ME A LIE, THAT SHE HAD MAILED HIS {SHAMSA} SUBPOENA, TO BYRL LANES OFFICE, BUT SHE HAD MAILED IT TO THE WRONG ADDRESS.

I FIND THIS VERY HARD TO BELIEVE, SINCE SHE HAS BEEN CORRESPONDING WITH BYRL LANE , BY MAIL, EMAIL AND PHONE FROM THE BEGINNING OF HER INVOLVEMENT IN MY CASE, AND THAT'S OVER 2 YEARS AGO.

I HAVE DOCUMENTATION, OF WHEN SHE DISCLOSED ~~THE~~ ^{THAT} MR. LANE AND MIR

SHAMSA, WOULD BE CALLED TO THE STAND TO TESTIFY, ABOUT SOME FOIA INFORMATION, THAT WAS GOING TO BE USED AGAINST THEM AT THE TRIAL. IT'S A FULL 550 PAGES OF EVIDENCE IN A HEARING, THEY HAD WITH THE NATIONAL LABOR RELATIONS BOARD IN 2003.

AFTER READING THIS COMPLAINT, I HOPE THAT YOU WILL NOT CONTACT THE JUDGE, UNTIL AFTER I GET MY ATTORNEY FEES BACK, BECAUSE HE WILL SURELY FIND A WAY TO DENY ME, MY ATTORNEY FEES BACK. WHETHER THE JURY DECIDED IN MY FAVOR OR NOT.

IF HE KNOWS, I FILED A COMPLAINT AGAINST HIM, I THINK MR. LANE KNOWS WHAT HE'S TALKING ABOUT WHEN HE SAYS, I WON'T GET MY MONEY BACK, BECAUSE IT'S ALL BEEN PRE ARRANGED.

I HOPE I HAVEN'T BORED YOU TO DEATH. BUT I JUST HAVE SO MANY THINGS TO SAY, THAT I WAS NOT ALLOWED TO EVEN MENTION IN JUDGE COURT.

I HOPE I DON'T SOUND ANGRY, BUT I AM.

I JUST NEVER DREAMED THAT I WOULD SEE, SUCH BLATANT CORRUPTION IN THE UNITED STATES SUPERIOR COURT. I JUST HOPE SOMETHING CAN BE DONE ABOUT THIS. NO ONE, NOT EVEN THE JUDGE, SHOULD BE ABOVE THE LAW.

THANK YOU VERY MUCH FOR YOUR TIME AND CONSIDERATION.