

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-147

Complainant: No. 1420100074A

Judges: No. 1420100074B

REVISED ORDER

The complainant alleged that one superior court judge improperly dismissed a lawsuit and that the subsequently assigned superior court judge failed to rule on motions in a timely manner or at all.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the Commission is limited to this mission.

After reviewing the all of the information provided by the complainant, the court record, and the second judge's response, the Commission decided to dismiss the complaint as to the first judge and to dismiss the complaint as to the second judge with a private advisory letter concerning the duty to track and timely rule on all motions. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: December 20, 2011.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2011.

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

CONFIDENTIAL

State of Arizona
Commission of Judicial Conduct
1501 W. Washington St. Suite 229
Phoenix AZ 85007

COMPLAINT AGAINST A JUDGE**JUDGE****Plaintiff Pro per,****June 6, 2011**

1. Judge intentionally disregarded the law and refused to rule against the Defendants.

2. Judge is biased and prejudiced has decided Plaintiffs legitimate cause of action, disregarding the law and facts. He ruled against the Plaintiff's legitimate Motion for Judgment on the Pleadings.

3. Counsel for the defendant, Fennemore Craig P.C., without substitution of counsel, filed a late, predated, invalid Answer on October 6, 2010, on behalf of the defendant, Dr. Michael Lowe.

4. Plaintiff filed a verified Complaint. Judge granted Defendants' second Motion to Dismiss, which was fraudulent, based on predated documents and without a supporting affidavit

5. The Defendants' first Motion to Dismiss filed by Defendant Heather Driscoll-Lowe on August 27, 2010, through counsel Michael Harper was denied by Judge . The judge's ruling stated that, Plaintiff, has stated a cause of action for which relief can be granted.

6. Judge set an oral hearing for a fraudulent Motion to Dismiss filed on November 15, 2010, in spite of Plaintiff's objection. Defendant's Motion to Dismiss filed under Rule 12(b)(6), supported with predated documents was granted. converted a fraudulent Motion to Dismiss into a legitimate Plaintiff's Motion for Judgment on the Pleadings, and granted in the Defendants favor.

7. Judge entire ruling on Defendants' second Motion to Dismiss was based on a fraudulent predated late Answer and Joinder in Answer filed by the Defendant, even though, the judicial assistant informed us that the late Answer would not be considered by the Court. (See Motion to Set Aside Order, Affidavit for Change of Judge)

8. Judge has refused to rule on Plaintiffs Motion for Sanctions filed on December 2, 2010, in spite of Plaintiff's constant requests. The Motion for Sanctions is still pending for a ruling by the Court.

9. Judge having knowledge that the attorneys for the Defendant, Julio Zapata and Alex Arpad of Fennemore Craig P.C., had violated the Rules of Professional Conduct, failed to take action or inform the appropriate authority.

10. Following the Indictment of the defendants, Dr. Michael Lowe and Heather Driscoll-Lowe for theft from a vulnerable adult, Plaintiffs had a leeway to amend their complaint. Plaintiffs had never been served with a responsive pleading, therefore

CONFIDENTIAL

State of Arizona
Commission of Judicial Conduct
1501 W. Washington St. Suite 229
Phoenix AZ 85007

COMPLAINT AGAINST A JUDGE**JUDGE****Plaintiff pro per,****June 6, 2011**

1. Judge _____ took nearly three months to rule on Plaintiff's Motion to Set Aside a Court Order for Fraud Upon the Court, case _____ denied Plaintiff's Motion without comment or clarification of the issues therein, of the fraud upon the Court committed by Judge _____ in complicity with counsel for the defendant, Fennemore Craig P.C.

2. Furthermore, _____ never addressed Plaintiffs Affidavit for Change of Judge for Bias and Prejudice and neither ruled on Plaintiffs Motion for Sanctions filed on December 2nd, 2010, in spite of Plaintiffs constant requests.

3. Plaintiffs filed a new Medical Malpractice Complaint following the Indictment on October 27, 2010, of the defendants Dr. Michael Lowe and Heather Driscoll-Lowe, for theft from a vulnerable adult, from Rodger Wolfram's grandmother, Alicia Christopherson. Plaintiffs Complaint included, new theories, new doctrines and new defendants.

4. Sanders & Parks P.C. requested an extension in order to answer with a responsive pleading by April 15, 2011. (See Motion for Default with attached letter from Sanders & Parks, dated March 11, 2011.)

5. Sanders & Parks filed a Motion to Dismiss on Defendant Hospice Compassus behalf and did not file any responsive pleading on Defendants Dr. Michael Lowe and Heather Driscoll-Lowe's behalf.

6. On May 18, 2011, Judge granted the Motion to Dismiss supported entirely on Judge previous fraudulent ruling based on predated documents.

7. In his ruling, Judge intentionally disregarded the laws and facts. He ruled against Plaintiffs legitimate cause of action, in violation of the Arizona Adult Protective Services Act (APSA), ignoring the fact that Plaintiff, was first named successor trustee and sole beneficiary of the Alicia Christopherson Trust created in 1993.

8. Therefore Plaintiff, has standing to proceed with this cause of action on his grandmother's behalf, Alicia Christopherson, who was a vulnerable adult. Additionally, Plaintiff has two years from discovery of the cause of action to file a complaint for damages under the Arizona Adult Protective Services Act (APSA).

9. The Defendants Dr. Michael Lowe and Heather Driscoll-Lowe did not respond to Plaintiffs Medical Malpractice Complaint. As a result Plaintiffs filed for Entry for Default Judgment on April 11, 2011.

10. On May 23, 2011, Judge denied Plaintiffs Motion for a Default Judgment. As a result, the Commissioner vacated Plaintiffs Default Judgment Hearing scheduled for May 24, 2011.

11. The Court denied Plaintiffs Motion for Default Judgment in bad faith and in complicity with attorneys for the defendant Hospice Compassus, Sanders & Parks P.C., committing fraud upon the court.

12. Sanders & Parks April 11th letter, requesting an extension in order to file a responsive pleading on Michael Lowe and Heather Driscoll-Lowe's behalf, was made in bad faith, intended to mislead the Plaintiff from filing for Default Judgment. Therefore, the Judge, would reach the time to rule in favor of Defendant Hospice Compassus' Motion to Dismiss.

13. In a ruling on May 13, 2011, Judge granted a Motion to Dismiss to defendants Michael and Heather Lowe in spite of the fact that they never filed an answer nor a motion to dismiss to Plaintiffs Medical Malpractice Complaint. manifested his open bias and prejudice by violating the rule of law in order to protect the defendants from a Default Judgment.

14. Judge having knowledge that Judge has violated the Arizona Code of Judicial Conduct, failed to take action or inform the appropriate authority.

15. Judge having knowledge that the attorneys for the Defendant, Julio Zapata and Alex Arpad of Fennemore Craig P.C., had violated the Rules of Professional Conduct, failed to take action or inform the appropriate authority.

Respectfully submitted this 6th day of June, 2011

By_