

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-292

Complainant: No. 1454510520A

Judge: No. 1454510520B

ORDER

The complainant alleged that three justices of the peace knowingly, willfully, and with malice, bias, and discrimination deprived her of her due process rights.

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 information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judges' rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 5, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 5, 2012.

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

HISTORY:

1. Plaintiff alleges that it received the assignment of this alleged debt on August 23, 2012 from Cavalry SPV I, LLC ("SPV" means "Special Purpose Vehicle") at which time Plaintiff received the electronic records of the alleged account which are kept in the ordinary Course of Business by Bank of America, FIA Card Services, Cavalry SPV I, LLC AND Plaintiff, Cavalry Portfolio Services. (see AFFIDAVIT OF CLAIM (signed by an alleged employee employee of Plaintiff on **January 10, 2012** and not disclosed until **July 2, 2012** (date of mailing);
2. Plaintiff prepared its Summons and Complaint on January 19, 2012 and was seerved on Sunday, **March 11, 2012; (EXHIBIT "A" hereto)**
3. Goldstein filed her ANSWER and COUNTERCLAIM on **April 4, 2012** claiming she has no knowledge or documentary evidence supporting Plaintiff's claim and her statutory right to full disclosure;
4. The Court, sua ponte, scheduled a Mediation Conference for **may 24, 2012**. The parties agreed to a telephonic conference. The "noticed attorneys' for Plaintiff are _____, PC. The teleconference began _____ stated he was representing Plaintiff and had authority to "mediate" on Plaintiff's behalf. **NO NOTICE OF APPEARANCE OR VALIDATION OF ESQ AUTHORITY TO MEDIATE WAS EVER FILED.** _____ filed a Motion For Sanctions against _____ and _____ for violation of the statutory "NOTICE OF APPEARANCE". The Court **denied this motion;** _____ filed her Report on Abuse of Mediation due to _____; repeated insistance that **was not entitled to any further discovery other than the few documents _____ "chose" to disclose...none of which were the "records" of _____ alleged account, most documents did not have the "loan schedules" referenced in the alleged assignments; one purported "assignment" is dated 2003, NINE YEARS BEFORE Plaintiff filed this action (EXHIBIT "B" HERETO)** Plaintiff filed a Motion requesting that Report of Abuse of Mediation Conference (filed/not doctred) be removed from the record. (to strike from the record, _____ has no notice of whether Plaintiff's Motion to Strike was denied or not. As of the "docket" dated June 27, 2012, there is no record of **Report on Mediation Abuse. THE COURT CLERK IS REQUIRED TO ENTER ALL FILINGS... (EXHIBIT "C" hereto)**

filed her Report on June 7, 2012. (EXHIBIT "D" hereto).
"REPORT DOES NOT APPEAR ON THE CALENDAR EVENTS AND HEARING" DATED JUNE JUNE 27, 2012.

It is absurd to imagine that Plaintiff's MOTION TO STRIKE DEFENDANT'S REPORT ON ABUSE OF MEDIATION CONFERENCE (on Docket dated June 26, 2012 when the very motion Plaintiff objects to is not recorded. (EXHIBIT "E" hereto) (docket dated June 27, 2012))

5. filed a Motion for Clarification and Update (of record) due to filings not docketed, Rulings on Motions NOT IDENTIFIED identified as to which motion the Ruling applied t) and, the record documents that the Court DENIED EVERY MOTION AND MOTION TO RECONSIDER AS A MATTER OF LAW. claims that the record itself documents her claims againts Plaintiff/
 Judges
 have been admonished for misconduct but for inexplicable reasons remain Pro Tem Judges.
6. set a trial date in violation of ARCP RULE 38.1...SETTING OF CIVIL CASES FOR TRIAL: Identification of Nonparty at Fault (R. 38.1(a)... AND SUPERIOR COURT LOCAL RULES FOR MARICOPA COUNTY : RULE 3.4 (Setting Cases for Trial and Postponement); RULE 3.11..Mandatory Settlement Conferences THERE WAS NO FILING OF A CERTIFICATE OF READINESS and a MOTION TO SET NOR DID PLAINTIFF or GOLDSTEIN FILE ANY REQUEST FOR THE COURT-ORDERED MEDIATION CONFERENCE.
7. Notwithstanding the statutory requirements for the filing of a Certificate of Readiness and Motion to Set, SET A TRIAL DATE FOR OCTOBER 15, 2012. (EXHIBIT "F" hereto)
8. NEVER VALIDATED IT'S CLAIM NOR STATE AND DISCLOSE THAT CAVALRY SPV I, LLC AND CAVALRY PORTFOLIO SERVICES, LLC ARE WHOLLY OWNED BY BANK OF AMERICA..NO DISCLOSURE AS TO THE ALLEGED "ASSIGNMENTS" ARE ACTUAL ASSIGNMENTS OF OWNERSHIP BY THE ASSIGNEES: NO DISCLOSURE OF THE DELAWARE LAWS TO WHICH PLAINTIFF ACCEPTED IN THE ALLEGED ASSIGNMENTS: NO VALIDATION OF THE AMOUNT ASSIGNEES ALLEGEDLY PAID FOR THE ALLEGED ASSIGNMENTS AND BILL OF SALE: AND ACTUAL PRICE THE ALLEGED PURCHASER OF THE ALLEGED DEBT ACTUALLY PAID FOR THE ALLEGED DEBT. NOR THEIR POSSESSION OF THE ELECTRONIC RECORDS OF THE ALLEGED GOLDSTEIN ACCOUNT. keeps arguing that is not entitled to the records of the alleged account Plaintiff claims payment of.
- 9.

10. Plaintiff has submitted only one pice of paper, redacted, which has name on it. (EXHIBIT "G" hereto)

11. The assignments and bill of sale have no relevance to a account.
OF THE "AFFIDAVIT OF CLAIM" (signed by an alleged employee of Plaintiff..signed/notarized January 10, 2012), NOT DISCLOSED BY PLAINTIFF/EWING UNTIL JUNE 26, 2012...SEVEN MONTHS AFTER IT'S NOTARIZED SIGNING WHICH VALIDATED PLAINTIFF/EWING'S FAILURE/REFUSAL TO DISCLOSE THE RECORDS OF ALLEGED ACCOUNT.

FACT: BASED ON THE COURT'S ABSOLUTE DENIAL OF MOTIONS TO COMPEL DISCOVERY BY THE COURT, UPON INFORMATION AND BELIEF, AND THE

JUSTICE COURT HAVE KNOWINGLY, WILLINGLY, WITH MALICE AND FORETHOUGHT, WITH BIAS AND DISCRIMINATION DEPRIVED OF HER RIGHT TO DUE PROCESS, HER CIVIL AND CONSTITUTIONAL RIGHTS: VIOLATED THE OATH OF OFFICE, OBSTRUCTED JUSTICE AND WAS COMPLICIT IN THIS MATTER WITH IN THEIR MUTUAL WRONG-DOING.

can hardly claim their client, the Plaintiff, "made them do it..i.e. break the law.) has had ample time to withdraw from representing Plaintiff IF Plaintiff ordered to violate the laws and Rules. Perhaps are retained by alleged debt collectors because of "STYLE"

FACT: THE CONSTITUTIONS, THE REVISED STATUTES AND RULES, THE FEDERAL AND ARIZONA FAIR DEBT COLLECTION PRACTICES ACTS PROHIBIT FALSE, DECEPTIVE AND MISLEADING TACTICS.

WHETHER OR NOT THE REPEATED VIOLATIONS/NONCOMPLIANCE OF AND THE JUSTICE COURT, , ARE CRIMINAL ACTS AND/OR SHOW A PATTERN OF REPEATED VIOLATIONS (RACKETEERING ACT) IS FOR THE COURTS, STATE AND FEDERAL, TO DETERMINE. The Defendant/Counterclaimant requests "justice".

12. **FACT:** On July 19, 2012, (again) denied Motion for Reconsideration of the denial of Defendant's Motion to Compel Discover. ON THAT SAME DATE, Judge Ordered...
 "Upon review of Motion by Defendant, Judge must recuse himself from further involvement in this case. Case to be reassigned."
(EXHIBIT "H" hereto)

13. **FACT:** went to the Clerk of the Justice Court on September 28, 2012, to file

the following motions:

- a. MOTION FOR NAME OF JUDGE TO WHOM THIS CASE ASSIGNED FOR APPROVAL OF PARTIES PURSUANT TO ARCP REULE 42.(f)1.(F).. "CHANGE OF JUDGE" :
- b. MOTION TO CONTINUE OCTOBER 15, 2012 TRIAL DATE AS A MATTER OF LAW
TRIAL DATE BY JUSTICE COURT
BEFORE ASSIGNMENT TO JUSTICE COURT:
- c. MOTION TO COMPEL DISCOVERY PURSUANT TO ARCP RULES 26-37

(cover pages of the above-stated motions (EXHIBITS "I" hereto))

THE COURT HAS NOT RESPONDED.

15. **FACTS:** filed Responses to Defendant's Motions stating that the matter of discovery has already been "litigated", a valid Ruling made..therefore, can not "Re-litigate" the discovery issue. Though the Responses of Replies are of many pages, includes them with this **COMPLAINT** as they say more about and the Court than I can.

FACT: in their further obstruction of justice efforts claims that has no right to the name of the assigned-to Judge and, furthermore, has absolutely no right to approve or disapprove the (new) Judge.

Surely no knowing litigant would accept a "secret" Judge (unnamed).. must think that by the Court failing/refusing to disclose the name of the Judge will deprive her right to approve or disapprove the new Judge and that the credibility, integrity, honesty of the Justice Court indicates wrongful influence on the Court, bias, discrimination, obstruction of Justice..all the same as with J.P.

QUESTION: The duty of the judiciary is to report misconduct to the judicial authorities to whom review is their responsibility. IS ANYONE REPORTING MISCONDUCT? I DOUBT IT!

16. has/is the victim of this whole matter....

STATUS OF THIS ACTION UNKNOWN:

17. respectfully demands an investigation and review of the discovery and other issues and actions and inactions of the parties and entities named herein and in her other pleadings.

She believes the law, Judicial Code of Conduct, The Professional Rules of Conduct, the Professional Ethics, etc. demands complete accountability of the parties named herein.

If, as it appears documented by the pleadings and Rulings in this are in violation/noncompliance with with the State and Federal Consitutions, the ARS and ARCP, then respectfully anticipates that the guilty parties will be subject to the harshest sanctions available to this body and that will receive the justice she is entitled to including costs, expenses, injuries and punitive damages.

18. Since the Desert Ridge Justice Court refuses to reveal the name of the Judge to whom this case was assigned, intends to immediately file her NOTICE OF DISAPPROVAL OF AN UNAMED JUDGE and a NOTICE OF CHANGE OF JUDGE (?). has learned that the Justice of the Peace of the Justice Court is/was has been "WARNED FIVE TIMES" to cease his ex-parte and other actions... does not understand how many "WARNINGS" must be given to a Judge before he is removed from his judicial position. Nor does understand how many violatiions of the law and the Supreme Court Rules of Professional Conduct before being sanctioned, fined, removal of license to practice law in this State.

19. A rotten apple(s) in the barrell impacts all the unrotten apples and leaves a public sense of distrust, incredibility and a sense that wrong-doing is covered up, that there are Judges and attorneys who "make deals" which are corruptive of our process of justice is supposedly guaranteed. has no knowledge, directly, of the abusive activities of Plaintiff, but shell bet that she is not the only victim.

THEREFORE, DefendaNT/Counterclaimant Pro Per () requests nothing more than her rights to due process, her civil rights and contitutional rights to discovery et al and that those who are found guilty are **effectively sanctioned**. concern is that there is more corruption, at least in our Maricopa Justice Courts, that has yet to be addressed.

SUBMITTED this 27th. day of October, 2012

BY:

 ,Defendanr/
 Counterclaimant, Pro Per