

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-252

Judge:	No. 1069911125A
Complainant:	No. 1069911125B

ORDER

The complainant alleged a superior court judge did not rule properly on his discovery motions.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 30, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 30, 2013.

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

Plaintiff now requests that the _____ his attorney
or _____ in the above captioned case
provide the name of the person that the _____ is talking to on this cell
phone, due to the fact that no one has produced Defendants phone records from that day.

Jury Instructions: Bad Faith 1, Duty of Good Faith and Fair Dealing

intentionally denied the claim, failed to pay on the claim, and has delayed
payment on the claim” after “liability” has been established through
settled on April 14 , 2012.

“...5th Bad Faith Instructions are drafted for use in Insurance Cases only....” “Third party
coverage arises when the insurer contracts to indemnify the insured against liability to third
parties.... The type of claim is not determined by the identity of the party bringing the bad faith
action against the insured.” But ” ...by reason of the insurers bad faith refusal to settle....”

_____ knew that it “acted without a reasonable
Basis....” By losing at the _____ and then forcing the Plaintiff here
into protracted expensive litigation,
acted in “bad faith” towards Plaintiff after liability was established.

Bad Faith (2) Adequacy of Investigation. “In all aspects of investigation or evaluating a claim” ,
_____ though _____ is “required” “to give as much
Consideration” to Plaintiff

_____ and “other improper conduct of the insurer” for “improper
withholding of an investigative report”.

or Unfavorable Information "Refusal to Disclose

Unfavorable Information"

Reckless Disregard (1)"Lack of a reasonable basis for the insurers decision and (2) knowledge or reckless disregard or the lack of a reasonable basis.'

had been established.

again where he states that they

"will need to go before jury to let them decide the issues", 13 months after the '

decision was handed down against

where they were the

' which has been

continually refused by

. whether it relates to the claim or defense

of the party seeking discovery to the claim or defense of any other party.... Including the

existence of, description of, nature , custody, condition and location of any... documents, or

other tangible things(phone records, onstar, dr.s office,, witnesses names, etc all requested

previously)...and the identity and location of persons having knowledge of any discoverable

matter... It is not grounds for objection that the information sought will be inadmissible at the

trial....'

to showing is

required as a condition of either deposition or interrogatories .'

recognized the

interest of a party in getting a copy of his own statement...." In other words, a copy of the

previously taken Deposition,

of

must be

provided for the asking; and at

"this must be applied to prevent a war of attrition

or as a device to coerce a party whether affluent or financially weak";

By Defense

n" ...abuse of the deposition ... for the

unreasonable, groundless, abusive, or obstructionist conduct by deposing attorney"

wants to depose Plaintiff a second time after failing to provide the previous deposition transcription in order to determine whether or not he is going to ask the same exact same questions and/or is instead trying to abuse the Plaintiff by making him sit in a room, asking questions in order to intimidate Plaintiff again with "armed off duty

and then pleading with this Court, before , that he "wasn't done", or needs more time, when he has of the transcribed deposition statement from the of the Plaintiff that he will not release to the Court or the Plaintiff. All Plaintiff is required to do is "Ask" for the "statement" or "Deposition" under the to obtain a copy of that statement, which were "Denied" by

in her "Orders" provided to the last "Minutes".

Plaintiff requests Disclosure of any Conflict of Interest between the Appointed and Defense , or any firms he may represen

and Does; -

or

or

Plaintiff still seeks Exemplary and or Punitive damages over and above the actual damages suffered as a result of the Defendant Negligence and Liability, as his insurer, for the accident he is responsible for on March30 2011, and his attorney's refusal to comply with Plaintiffs and s' "Bad Faith Acts" in the handling of this claim for damages.

CERTIFICATE OF MAILING

I, _____, did on this date 9/22/13 send via United States Postal Service a true and correct copy of the attached "Request Identity of _____ Talking to on a Cell Phone in the _____ at the Accident Scene _____ Bad Faith Jury Instructions; Rule 26(b)(1)(a),(b)(3); Request Conflict of Interest Disclosure" with exhibits to the following parties: