

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-181

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Judge:

Complainant:

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**ORDER**

The complainant alleged that a municipal court judge improperly granted an injunction against harassment.

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: July 28, 2014

FOR THE COMMISSION

/s/ George A. Riemer

\_\_\_\_\_  
George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 28, 2014

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

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

**FOR OFFICE USE ONLY**

**COMPLAINT AGAINST A JUDGE**

Name: . \_\_\_\_\_

Judge's Name: \_\_\_\_\_ - Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

**I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.**

**Signature**

**Date**

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The summary and details of my complaint are as follows: (Case numbers listed below)

SUMMARY

1. Judge \_\_\_\_\_ has kept an injunction against harrassment in place deposite me, the Defendant, prevailing at the 5+ hour trial and Judge \_\_\_\_\_ stating in open Court that the Plaintiffs have not been able to prove their case;the named individual Plaintiffs stated themselves at the trial that at **no time** did I, the Plaintiff, ever threaten, harrass or harm them, despite the fact that they were careless, reckelss and neglegant when they caused my mother's death. Judge \_\_\_\_\_ dismissed all Plaintiffs from the case, but left the injunction in place. This makes no sense. I filed several Motions afterwards, all of which were just simply ignored and rejected by Judge \_\_\_\_\_

2. Defendant could/can prove that the Plaintiffs and their attorney tampered with the evidence that they provided at the trial, but Judge \_\_\_\_\_ did not allow me to do that at a hearing I requested, but did allow the tampered evidence (a tampered tape recorded conversation) to be played by Plaintiffs, despite the fact that Defendant never received that evidence before trial, and had requested it numerous times; the Judge even ordered that Plaintiffs provide Defendant with their Evidence.

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3. Judge \_\_\_\_\_ allowed the trial to take place despite knowing that the Plaintiffs did not use the proper name/entity to serve me, the Plaintiff or to file the Injunction;

4. Well after the trial and in a separate hearing Judge \_\_\_\_\_ held **ONLY** on the subject of Plaintiffs improperly naming themselves and serving Defendant, Judge \_\_\_\_\_ allowed Plaintiffs to change their name to the corporation at that hearing, however, the corporation never once indicated that I, the Defendant, ever threatened, harrassed or harmed them. So why is the bogus injunction still in place?

5. Defendant wants to file a complaint with this house \_\_\_\_\_, the Plaintiffs, \_\_\_\_\_ at \_\_\_\_\_ but cannot because of the injunction (which is the only reason Plaintiff started this bogus injunction to begin with, to prevent me the Defendant from conducting her investigation against the fact that they killed my mother) as well as Defendant was assaulted by an employee of Plaintiffs and Defendant was injured; Defendant needs to communicate with the house \_\_\_\_\_ and Judge \_\_\_\_\_ ordered that Plaintiffs attorney set that communication up, which she has refused to do. I filed a Motion. Judge \_\_\_\_\_ ignored that as well.

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

DETAILS

RE:

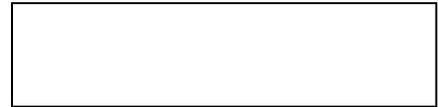
On \_\_\_\_\_ at \_\_\_\_\_ caused my mother's death by their neglect, abuse, not giving her medications that contributed to her serious health decline, and by unskilled employees trying to perform procedures that they were not trained to perform. I was assaulted by one of these employees and injured that same day.

Several family members of other resident's at this facility were going through the same problems and one by one asked me to be their advocate-My mother was only in their facility \_\_\_\_\_ when they caused her death. The director \_\_\_\_\_ was upset that many of the family members were complaining, as

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well as my family, about the horrible abuse and neglect and no meds given to their loved ones, so she along with other personnel decided that they could stop me from talking to these family members by making up the story that I had threatened and/or harrassed the employees and resident's, so they filed and had me served w/ an injunction against harrassment. Although they improperly served me, I went down to the Court that same day and filed a request for hearing to clear my name and show the Court (Judge \_\_\_\_\_ that these were all lies and there was no harrassment or threats that ever took place. I told the Judge that I was improperly served so he had his clerk properly serve me w/ paperwork and copies that you could actually read ( \_\_\_\_\_ intentionally served me w/ papers you could not read at all).

The hearing (trial) was over \_\_\_\_\_. Prior to the hearing I filed Motions to Continue due to the fact that Plaintiff's attorney indicated that she had tapes she wanted to play in court, and further claiming that she provided me w/ copies of those tapes on more than one occassion, which she did not. I had tapes I wanted to play as well; Plaintiff's attorney claimed she never received my tapes, which I did send to her. Judge \_\_\_\_\_ denied my Motions.

At the beginning of the trial, Judge \_\_\_\_\_ began by stating to Plaintiff's attorney that her client, \_\_\_\_\_, could not serve me w/ the injunction, that it had to be the \_\_\_\_\_ Corporation, They went back and forth, and when it was all said and done, he just let it go, which he should not have. A \_\_\_\_\_ cannot serve an injunction; it has to be the corporation.

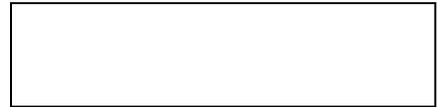
In Court, (at the hearing/trial) I cross-examined each and every one of these employees and each and every one of these employees/executives, I guess, decided to tell the truth, and proceeded to state under oath that **I never** threatened them in any way, shape or form. Each and every one of them testified that I never injured, threatened to injure or harrassed them in any way, shape or form. Then the Judge allowed Plaintiff's attorney to play a tape recorded conversation between me and one of the receptionists (This receptionist was in another state, not in AZ, from their corporate office). That person was never called to testify. Again, I had no idea what tape they were playing until I heard it that day in Court at the hearing/trial. I knew right away something was not right w/ this tape recording, but the Judge would not hear my tape (s). Not too fair. Why did he allow Plaintiff's attorney to play their tape, and not mine. I objected, but my objection (s) were denied.

At the end, Judge \_\_\_\_\_ stated that \_\_\_\_\_ did not present one shread of evidence that anyone was threatened, harrassed, injured or threatened to be injured, so he dismissed each and every one of the Plaintiff's employees/executives that were named on the Injunction, but left the Injunction in place. I believe the Injunction should have been dismissed as there was no evidence presented by Plaintiff (s) to allow it to remain active.

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I went right to the Court counter that same day and filed a Motion for Clarification and Motion For Reconsideration; asking the Judge to clarify his decision, asked if he left it in place based on, in part or entirely, this "tampered with tape recording" played by the Plaintiff's counsel, and if so, asking him to reconsider his decision based on no evidence whatsoever presented by Plaintiff (s). I further indicated to Judge \_\_\_\_\_ in this Motion that the tape recording/evidence that was played in Court by Plaintiff's was tampered with to make the conversation appear to be something it was not at all, and that I had proof with my tape recordings.

After over a month, and several calls to Judge \_\_\_\_\_ court asking when he would rule on these Motions, and no return phone calls from his secretary, I finally received an Order w/ a Court date, but clearing stating that he (Judge \_\_\_\_\_) would not hear any of my Motions, but only the matter of the proper entity serving me with this Injunction, that's it. No ruling on my Motions at all.

Again, I went to Court and for \_\_\_\_\_ it was argued back and forth that \_\_\_\_\_ (being a \_\_\_\_\_) was not the proper entity to serve me. All Plaintiff's attorney had to do was say, ok, then we change our minds and want the corporation name on the Injunction, and it was all done in \_\_\_\_\_, despite me objecting several times. Judge \_\_\_\_\_ severely scolded Plaintiff's attorney and her client by stating that he felt they left the corporate name off intentionally, that he found it hard to believe that they would not have known how to properly name the correct entity and further felt that they did it as to avoid the bad publicity. This corporation has these unskilled houses \_\_\_\_\_ all over the United States, several being in AZ. They lied to the Judge stating that this is the first time they have ever had to file an Injunction; they are such liars as just a few years ago they filed one against another individual, in your court.

OK, so now I have an Injunction against Harrassment on my record from a corporation that I never threatened or harrassed, not only based on their own employees admission in open court, but never once did \_\_\_\_\_ EVER state to anyone or say that I threatened or harrassed the corporation. How can this injunction still be active and in place?

I was injured on their property and I want to put the corporation on notice that we are filing a claim against them, both for my mothers death and my injury, but I cannot do that because I cannot contact that corporation. The judge ordered Plaintiff's attorney to put the insurance companies in touch w/ me, and she has refused to do so. She emailed me stating "when you have a claim, you let me know", whatever that is supposed to mean. I told her I have a claim for my injury when I was assaulted by \_\_\_\_\_ employee as well as for the death of my mother; she has refused to put \_\_\_\_\_ insurance company (s) in touch w/ me. Why bother to file a Motion; Judge \_\_\_\_\_ ignores and dismisses anything I have to say. I just do not believe he has ever read any of my Motions entirely.

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When my mother was at this house \_\_\_\_\_, I ended up having to stay there day and night to micro-manage these incompetent people (and was relieved when my \_\_\_\_\_ father could come down for a few hours so that I could go take care of my personal matters, and then I would go back, because my father was not able to stay for very long due to a very bad back and pain); I ended up losing my job over this and I am still not working; I am not even getting unemployment at this time because my money ran out and Congress has not extended it. I have no money for an appeal and I strongly believe this Injunction has prevented me from getting a job.

This injunction should not be in place. Not only do I have no need to go to \_\_\_\_\_ corporation or company, but there has never been an accusation or statement by anyone at \_\_\_\_\_ that I have ever threatened anyone there, at any time, ever. The rule clearly states that in order to have an Injunction against Harrassment in place, there has to be harrassment, and by Plaintiff's own admission, there was/is none. Please dismiss this Injunction.

Thank you.