

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-410

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly issued a writ of attachment in a civil case.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 14, 2015

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 January 14, 2015.

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

2014-410

COMPLAINT AGAINST A JUDGE

Name:

Judge's 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.

Please see Attached: (5 pages of documents)

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A complaint of Judge _____ case _____

Plaintiff applied for Writ of Attachment (without Notice) Judge _____ denied. Plaintiff then filed a writ (with notice) to Judge _____

Below misleading evidence was presented by the Plaintiff and Plaintiff's Attorney _____ to the Court and Judge _____ Judge _____ examined, accepted and approved this misleading evidence as fulfillment to the statutory requirement for issuance of a prejudgment Writ of Attachment (with Notice) as being satisfied for the following reasons below:

- A single picture of a small _____ was parked in our neighbor's parking lot (2) lots east of the _____
- A single picture of a _____ (1) lot west of the _____ across the street from our neighbor who was receiving roofing supplies and materials that day.
- False accusations that we are moving equipment out of the _____ (NO proof offered)
- False accusations of being _____ (NO proof offered) (This is Racism)
- False accusations of making frequent trips to _____ (NO proof offered)
- False accusations of having accounts overseas. (NO proof offered.)
- False accusations of being OLD (NO proof offered.) (This is Discrimination)
- A _____ claim on equipment. (NO proof of debt offered) (FRAUD)

As new developments occur, findings of new evidence come to light. We filed and asked for reconsideration and offer of proof. Judge _____ was quick to deny and Strikes out my Evidence. I feel Judge _____ is hindering BLOCKING my defense evidence that proves my case that would have easily STOPPED or quashed the Plaintiff's request for a prejudgment writ of attachment. Instead, the writ was exercised. Removal of the _____ Equipment was executed. All based on _____ and _____ claim accusations, with misleading sinister intentions bound by outrageous lies. Indeed, this has damaged my reputation and has caused a financial burden with overwhelming stress in damages to me, my family and my employees, my Customers, my Church and our Community. This unlawful writ approved by Judge _____ took away my ability to do business and has destroyed many families, loss of my customers, loss of my tenants and loss of my retirement plan. I am the Founder and President of _____ . I have been in business in _____ Arizona for over _____ years. Because of Judge _____ and his writ approval, he is responsible for these damages, he helped put me out of business by his careless conduct. Even at a very critical time Judge _____ has refused to hear my side of the story my evidence that proves my case of perjury and fraud against the Plaintiff. Judge _____ is denying me my legal right as an _____ to defend myself. The evidence presented by the Plaintiff does not justify a prejudgment writ of attachment. I am saddened to say that I cannot help but to be suspicious that Judge _____ is sold out actually in the pocket of _____ and _____ favoring _____ and Plaintiff for this ridiculous prejudgment Writ of attachment.

On Judge allowed and approved a prejudgment writ of attachment with notice to be executed by Sherriff for the Plaintiff on equipment that was already transferred to a different in that was not even privy to this lawsuit.

- We immediately requested an Emergency telephonic emergency hearing conference
- Judge DENIED that request.
- The removed.

INTERESTINGLY, What would it take to move heavy equipment from a Judge accepted evidence by Plaintiff (1)small and (1) as reasonable evidence to move a The Judge also wrote concerning this : "A serious risk exists that the property the Plaintiff seeks to attach will be liquidated between now and the time a judgment could be obtained." ...Absolutely Absurd! See below

In fact, to move a it took:

- with multiple trips for each truck thru out the day.
- trailers flat beds.
- Strictly from Scratch/ Plaintiff's Trucks)
- (SFS – Strictly from Scratch /Plaintiff's Trucks)
- and are the plaintiff's employees; (7) were moving company members) This is significant because only the moving company was to be allowed permission to enter the property as a license, bonded and insured certified moving company. (the Plaintiff was only allowed (1) representative to be on the property. However, he had including his Instead, the plaintiff violated these rules and procedures walking around the pointing out the equipment to the Sherriff of what he wanted and did not want.

I find it very peculiar that the Plaintiff was especially selective in what equipment he wanted and did not want in the first "prejudgment" writ of attachment. And NOW the plaintiff is seeking approval for a second writ of attachment regarding remaining tangible and real property for the sole purpose to ERASE taking away and dismantle the entire out of existence including attaching the BUILDING to sell it or to take control of it. (the sinister plot unfolds)

We must STOP and put a QUASH to the Plaintiff's Application for Writ of Attachment Regarding Remaining Tangible and Real Property (Expedited Relief Requested). For these reasons FIRSTLY, the Plaintiff's claim is based upon a FRAUD CONTRACT (was not signed by both parties and we have proof). SECONDLY, The Equipment and Plant is evidence to our case and should not be subject to prejudgments writ of attachments or even writ of attachment regarding remaining tangible and real property. Thirdly, insufficient bond amounts. From the beginning the Plaintiff has been inventing false accusations with misleading information and has been carelessly given to the Court all while Judge acts upon it. *This is a wrongful obtaining of the attachment .

Prejudgment writ of attachments.

- Plaintiff has not provided documents of evidence from that provides proof of his claim.
- The Plaintiff has never provided to us "proof of loss" or "proof of damages" documents from
- Judge has not considered our defense claim that the contract was not executed by both parties.
- Instead he strikes out our Notice of Errata: "MOTION FOR REHEARING, MOTION FOR RECONSIDERTION, MOTION FOR NEW TRIAL, AND OFFER OF PROOF"

On Judge Strikes out our Memorandum evidence again.

- This is very significant this proves that both me and my Attorney with the Court reporter were in attendance to participate in the deposition. (was eager to cancel only for the purpose of a getting a default judgment.)
- I am shocked to read his under advisement ruling of Judge writes "A serious risk exists that the property the Plaintiff seeks to attach will be liquidated between now and the time a judgment could be obtained."
- I am shocked to read his under advisement ruling of Judge writes: "that the Defendant failed to participate in the discovery, not showing up for the deposition"
- I was in attendance and had arrived hour before the schedule meeting (because Judge made a comment in Court and in summary notes that if I did not attend the discovery deposition that he would issue a "default judgment" against me in favor of Plaintiff.) In Fact, My Attorney did arrive within his estimated disclosed min window.
- My Attorney Mr. (practicing law for over years) In fact, disclosed to the Court, Judge and to by email that he would be late due to the scheduled depositions that he already scheduled the month prior. That day a big rain storm was in the Valley and he still arrived within his disclosed estimated min window.
- Just after mins cancels the deposition. (this was anticipated, planned and exploited by as he took FULL advantage of this situation so they can get a default judgment writ of attachment issued from Judge

In the Second Hearing Judge _____ hears summaries about the case from both sides.

- He learns about the “squagallphat” or argument between _____ and _____
- But Judge _____ interrupts them and says “let’s keep that out of the court room, put it to the side and continue to move forward with the case. “

*This is very significant it PROVES that we were in fact PRESENT at the discovery deposition. Not what Judge _____ inaccurately concluded about are attendance at the discovery deposition he wrote: “NOT SHOWING UP FOR THE DEPOSITION. “

- (under advisement ruling of _____ Judge writes: “that the Defendant failed to participate in the discovery, not showing up for the deposition”)

Judge _____ inaccurate ruling that “we did not show up for the deposition” was written in this way so he can justify and issue a DEFAULT JUDGMENT in favor of the Plaintiff.

For these reasons, the Court has signed the proposed “Writ of Attachment”

- Under (false) artificial evidence that is clearly misleading with sinister mal-intentions that shallowly meet the statutory requirements at best.

Insufficient bonds amounts:

We ask Judge _____ to see the insufficient bond amount supported by statues laws before and during the invasion of exercise writ on _____ Judge _____ ignored us he did not respond or reply.

- A wrongful obtaining of attachment has been executed against us secured by insufficient bonds amounts.
- False misleading evidence was presented by Plaintiff’s exhibits. Pictures of a _____ and a _____ (delivering roofing material to another neighbor) across the street.

Attention:

The _____ Equipment and _____ Plant is evidence to our case and should not be subject to prejudgments writ of attachments or even writ of attachment regarding remaining tangible and real property.

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Finally,

We OBJECT to the writ of existing tangible property because _____ of value equipment has already been seized over satisfying the plaintiff's claim of _____ and the writ has been closed by the Sherriff. The _____ machine value alone is _____ which is satisfactory to Plaintiff's unlawful writ and original claim of _____ or even the Plaintiff's new amended claim of _____ The Building value is _____

- Attachment Bond is insufficient.
- Indemnity bond (double the claim) is insufficient.

The bond must be conditioned that plaintiff will prosecute the action and will pay all damages and costs that may be sustained by defendant by reason of the wrongful obtaining of the attachment. In addition to the attachment bond, the levying officer will require the plaintiff to execute and deliver an indemnity bond in an amount double of the claim. Thus, to obtain and levy upon a writ of attachment two bonds are required.

Result:

- The Bonds were never raised as required by law.
- Judge _____ ignores the statues and laws that requires plaintiff to post two bonds. (for both the _____ and the writ of attachment.)
- Judge _____ does not enforce and require the plaintiff bonds to be increased.

Conclusion:

We are not happy with Judge _____ performance. Judge _____ has turned his cheek many times concerning the weak evidence to issue a writ of attachment that is costing me _____ in value equipment losses. Estimated value may exceed _____ Judge _____ is ignoring and depriving me, my ability to defend against this outrageous charade of lies and misleading (false) evidence as fact. A wrongful obtaining of the attachment has been executed here. I don't know what else to do about this. I am asking and seeking your help to make sure that if a Higher Authority discovers that there is any wrong doing by Judge _____ that he remains and is held responsible for his conduct and that this injustice never happens again. Today, I am requesting a FULL investigation and oversight of _____ conduct, procedures and actions concerning this wrongful obtaining of the attachment to my case.

Respectfully,