

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-222

Judge:

Complainant:

ORDER

October 22, 2020

The Complainant alleged that a superior court judge improperly declared him a vexatious litigant.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Michael J. Brown, Joseph C. Kreamer and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 22, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-222

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.

The minute entry ruling (ME) filed on _____ by Judge _____ on to the _____ public record breaches Constitutional Rights, unpholds organized criminal enterprise, results in Public Corruption of the Courts, assists in Corporate violation of finality in Judgments, and Obstructs Justice in not finalizing the case to allow for Federal Jurisdiction to allow criminal investigation to proceed. This panel should set a hearing date to adress the Judicial misconduct in this matter:

The underlying issues of this _____ case involve, Wage theft which represents an illicit multi billion dollar underground economy (Source:

_____, Led by brand name Corporations and here _____ is one of the leading violators in the entire Country. Corporations do the violations because they know Judges lean toward corporate bias and the chance of criminal prosecution are slim to none. What makes the instant matter so alarming, is the Jurist altogether ignores the Rule of Law and strikes down guaranteed Constitutional right from the trial bench. The role of the Jurist is to be impartial, and follow the Rule of Law. Here instead the Jurist works to help the offending corporation escape liability from the criminalized stautory penalties of the underlying criminal activity and the works to obstruct Justice in the matter, in the process defeating all Constitutional Protections, which would have bought proper justice in the matter. Allowing for the required hearing which is mandated under the law any time a Consitutional right is at issue, would have proved a fraud on the Court by _____ invoked Consitutional protection, under the AZ Constitution, via Art, Sect 11, which is free access to the Courts, which is the right that is lost when any Court deems a litigant a vexatious litigant. It is well established that a hearing is required anytime a Jurist rules against a Consitutional right. Due Process was ignored, and the Jurist entered the order in breach of the Consitutional right. The breach is permanent since the time to appeal has lapsed, it is now a criminal act by the Jurist.

While the Jurist or her attorney may argue, that since the the order is limited that it does not interfere with Free Acces to the Courts, it still amounts to a breach of Constitutional right in that is does block free access and the order was entered ignoring due process, which requires a hearing before a Consitutional right is deprived by the State.

Additionally the ruling also breaches ex post facto Consitutional right, via AZ CONST Art. 2 Sect 25, "No bill of attainder, ex-post-facto- law or law imparing the obligation of contract, shall ever be enacted." the Jurist just ignores this and applies the law ex post facto breaching Constiutional right against the State application of retroactive enforcement of the law by citing case law,

This case was about a case that was dismissed for failure to state a claim but the COA does opine that _____ has a right to a hearing at ¶18 quoting, "A.R.S. § 12-3201 (applying to proceedings filed after _____ and providing that a judge may designate a litigant a vexatious litigant) Under Arizona Case Law, to ensure a litigants access to the courts is not inappropriatley infringed, courts must give the litigant notice and an opportunity to oppose the order"

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and at ¶9, "Here, the trial court made a proper record, which reflects that _____ is a vexatious litigant. The trial Courts final Judgement-which was entered after giving _____ an opportunity to respond."

The opinion states the "courts must give the litigant notice and an opportunity to oppose the order", but the Jurist circumvents due process by stating on pg.2. ¶12. "

_____ that is not the Courts giving proper notice and opportunity to respond, that is the court allowing the Defendant to circumvent due process and strike down a Constitutional right on a law created after this case was already pending. The only way a court can allow for a proper response is to set a hearing, not circumvent the right it.

The COA in _____ states that the vexatious provision can only be applied in proceedings filed after on the Judges ME order the case number shows the proceeding filing date in the case number _____ Individual motions are not proceedings, case law applies to the filing date of the lawsuit. Since the case was never dismissed, that is the proceeding filing date and it is before _____ his violates Ex Post Facto, is a Constitutional Breach and is a felony by the Judge. To prove Ex Post Facto in a civil matter, it must have a punitive effect for many, here if _____ would have been allowed his hearing, thousands of people would have recovered thier earnings stolen from _____ management team.

Also the _____ opinion requires a hearing, before the Court rules against _____ Consitutional rights, this was not afforded by the Court and subsequently is also a felony by the Judge. Any Consitutional breach is always a felony. If _____ was allowed the hearing, he Could have breifed the Fraudulent Evidence used by _____ to prevail and steal tens of millions of dollars in entitled monies from hard working production employees familes, including black familes, mexican familes, asian familes and even white familes. And _____ would have been forced to pay back all the monies with triple damages, and 100% intrest amounting to tens of millions of dollars. Instead the Court moved to protect the _____ payroll violations, which amounts to obstruction of justice by the Court. And the Court helps to defeat finality in this matter by leaving the case pending in post judgement without rendering final disposition. Obstruction of Justice is the easiest criminal act to prove as it only requires a showing, there is no excuse for the Jurist to ignore the right to a hearing before a deprivation of Consitutional right, and leave the case pending in civil post judgment with no final disposition other than to assist _____ to escape criminal liability.

This Tribunal should set a hearing and give the Jurist and opportunity to respond, and take action to Admonish the Jurist, or altogether remove the Jurist from the bench and provide a criminal referral to the FBI. Our State trial Judges cannot help to obstruct justice, ignore guaranteed Consitutional rights, and commit felonies from the bench to protect corporate criminal activity as it is indeed Public Corruption to sell out our protections in this fashion, to multi billionaire racketeers.

SUPERIOR COURT OF ARIZONA

CLERK OF THE COURT

v.

MINUTE ENTRY

The court considered [redacted] Motion to Declare Plaintiff [redacted] a Vexatious Litigant filed [redacted] Response to [redacted] Motion to Declare Plaintiff [redacted] a Vexatious Litigant filed [redacted] and [redacted] Reply in Support of its Motion to Declare Plaintiff [redacted] a Vexatious Litigant.

The court granted summary judgment in favor of [redacted] in [redacted], and he exhausted all of his appeals by [redacted]. Despite the court's ruling and the exhaustion of [redacted] legal remedies, he has continued to file pleadings in the above-captioned case unreasonably expanding the proceedings without legal basis or justification. [redacted] has been repeatedly sanctioned for his conduct in this case including by the [redacted].

SUPERIOR COURT OF ARIZONA

The court has the authority to exercise “such powers as are necessary to the ordinary and efficient exercise of jurisdiction.” *Acker v. CSO Chevira*, 188 Ariz. 252, 254 (App. 1997) (citation omitted); *Madison v. Groseth*, 230 Ariz. 8, 14 (App. 2012). Moreover, the court has the inherent authority to curtail a vexatious litigant’s ability to file additional motions or other documents. *Madison*, 230 Ariz. at 14; *Saylor v. Chicago Title Ins. Co.*, No. 1CA-CV 15-0303, 2016 WL 1222200, at *2 (Ariz. Ct. App. Mar. 29, 2016) (declaring the plaintiff a vexatious litigant pursuant to the court’s inherent authority because the plaintiff engaged in a pattern of filing baseless and repetitive motions, which served no purpose but to harass and unduly burden the defendant) *State v. Petramala*, No. 1 CA-CR 14-0685, 2015 WL 4538384, at *5 (Ariz. Ct. App. July 28, 2015); *see also* Administrative Order No. 2014-134.

has notice of Defendant’s request to declare him a vexatious litigant. He has received an opportunity to oppose the order.

On this court granted Motion for Summary Judgment, and Final Judgment was entered on (the “”). *See* Judgment. On appealed (Case No.), and on the Court of Appeals affirmed the trial court’s decision. *See* Order. Thereafter, filed a Petition for Review with the *See* Petition, which denied on

Although exhausted his appellate remedies, continued to file pleadings seeking relief and adding a new argument that was not included in his initial Complaint. filed numerous baseless and repetitive pleadings, including a Motion to Reconsider Motion Vacate [*sic*] and Set Aside Judgement [*sic*]; Notice of Claim of Unconstitutionality; Motion to Reopen Civil Case # Praecipe Civil Subpoena; and Motion to Vacate [Proposed] Final Judgment and Motion to Stay [Proposed] Final Judgment. In his response to the motion to declare him a vexatious litigant, continued to repeat his position that final resolution is not appropriate because “

.” *See* Response to Motion to Declare Plaintiff a Vexatious Litigant filed at

The court finds that has attempted to thwart the finality of the judgment against him by continuing to file non-meritorious pleadings. “As a matter of public policy, a judgment must at some time become final, for if it were not so, there could never be any certainty as to the rights acquired thereunder.” *Panzino v. City of Phoenix*, 196 Ariz. 442, 448 (2000), abrogated on other grounds by *Gonzalez v. Nguyen*, 243 Ariz. 531 (2018).

SUPERIOR COURT OF ARIZONA

Here, the request to declare _____ a vexatious litigant is related to this case only. The court finds good cause and a legal basis to preclude _____ from filing motions to harass the other party or unreasonably expand the litigation. For the reasons set forth herein,

IT IS ORDERED declaring _____ vexatious litigant in the above-captioned case and ordering that _____ may not file a new pleading, motion or document in the above-captioned case without prior leave of court.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**