

No. 1403210049A

No. 1403210049B

Executive Director

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

B. A Ten (10) Day Request for Repairs requesting that the tree stump in the back yard at the Rose Lane property be either removed or covered up (as originally agreed by the contracting parties and Defendant Elizabeth Jergensen, Realtor, dated October 2, 2010, and which Defendant THG received, according to the green, return-receipt card, on October 4, 2010, **which is the exact same day Defendant THG began initiating the formal eviction process against Plaintiffs** (which claims will not be ripe for litigation until after October 14, 2010).

27. Sometime shortly after October 13, 2010, Plaintiffs were served with a copy of a Complaint for Forcible Entry and Detainer in the Estrella Mountain Precinct Justice Court Case of Treehouse Group v. and All Occupants at

Case No. CC-2010-

28. In response to this Complaint for Forcible Entry and Detainer, Plaintiffs researched and prepared a Motion to Dismiss for Lack of Subject Matter Jurisdiction or Motion for Summary Judgment with Accompanying Memorandum in Support, which is adopted and incorporated herein by reference, and which explained the reasons the Court lacked subject matter jurisdiction to hear the Forcible Entry and Detainer Action, which informed the Court **"ORAL ARGUMENT REQUESTED"** before the Court on October 19, 2010, 11:30 a.m.:

A. A forcible entry and detainer could not be used to determine whether a Landlord-Tenant existed, which was at issue in Case No. CC-2010-

B. A forcible entry and detainer action could not be used to determine the existence of a rental or lease agreement between the parties, which was at issue in the case. (**Plaintiffs' Exhibit "D"**).

29. Plaintiffs also prepared a Proposed Order for the Judge to sign if he agreed with the Motion to Dismiss for Lack of Subject Matter Jurisdiction. (**Plaintiffs' Exhibit "E"**).

30. On October 15, 2010, Plaintiffs served a copy of the Motion to Dismiss and Proposed Order on Defendant John C. Giles (hereinafter referred to as "Defendant Giles") who was acting as counsel for the Landlord by First Class U. S. Mail in the Complaint for Forcible Entry and Detainer action set forth in paragraph 27, above.

31. On October 18, 2010, Plaintiffs filed both the Motion to Dismiss and the Proposed Order with the clerk of the Estrella Mountain Justice Court.

32. Plaintiffs had a hearing date in the forcible entry and detainer action set for October 19, 2010 at 11:30 a.m.

33. When Plaintiffs showed up for Court on October 19, 2010, just before the time for Court, Defendant Giles asked if he could speak to Plaintiffs about their Motion and the case:

A. To which Plaintiff said yes.

34. Defendant Giles informed Plaintiffs that he already talked to the Judge and:

A. The Judge, Defendant said he was going to deny your motion so Plaintiffs might as well withdraw it; and

35. Plaintiff then informed Defendant Giles that he never received a response to his Motion to Dismiss or for Summary Judgment from Defendant Giles, so how could the Judge deny an unopposed Motion to Dismiss or for Summary Judgment,

since under the Arizona Rules of Civil Procedure, an unopposed Motion to Dismiss or for Summary Judgment is deemed admitted if not opposed.

36. Defendant Giles informed Plaintiffs that they could save themselves a lot of trouble if they just went along with the program and cooperated because no matter what they did, the judge was not going to rule on their motion; and

A. That the Judge was going to put them out on the streets no matter what they did because they had no right to have the case dismissed.

37. When Plaintiff asked Defendant Giles if he was going to file a response to Plaintiffs Motion to Dismiss for Lack of Subject Matter Jurisdiction or for Summary Judgment, he said no.

38. When Plaintiff asked Defendant Giles why he was not going to file a response to Plaintiffs Motion to Dismiss for Lack of Subject Matter Jurisdiction or for Summary Judgment, he said because the Judge said he didn't have to, because the Judge already made his decision to evict Plaintiffs and Plaintiffs were only going to make things hard on themselves by running the risk of making the Judge mad if Plaintiffs didn't agree to withdraw their Motion to Dismiss for Lack of Subject Matter Jurisdiction.

39. When Plaintiffs appeared for their hearing, Plaintiff attempted to present his oral argument on his Motion to Dismiss to the Court, and:

A. Defendant cut Plaintiff off; and

B. Defendant not only refused to allow Plaintiff

to argue his Motion to Dismiss, but he refused to even rule on the motion, despite that he knew he did not have jurisdiction to hear the case; and

C. Defendant threatened Plaintiff in open court in front of a courtroom for of people, and put Plaintiff out of his courtroom, when Plaintiff insisted on wanting a ruling on his Motion to Dismiss, which caused Plaintiff extreme public humiliation and emotional distress.

40. Prior to throwing Plaintiff out of his court room Defendant spent several minute actively arguing and advocating Defendant Giles case for him, for instance:

A. Defendant was making repeated and inappropriate *sua sponte* arguments in open court in Defendant Giles favor, such as asking Defendant Giles if Plaintiff was on the lease; and

B. When Defendant Giles replied no, Defendant turned vicious on Plaintiff and

C. Defendant then asked Plaintiff if she was married to Plaintiff and if so for how long, so that he could try to figure out a way to “appear to legally eject Plaintiff from the proceedings,” and when he could not find a legitimate reason to kick Plaintiff out of his Courtroom, he used Plaintiff’s efforts to assert his rights as a reason to kick him out.

41. Defendant also spent several minutes threatening and intimidating both Plaintiffs and in open court in front of a courtroom full of people.

42. Plaintiff states: once my husband was kicked out of the court room the judge attacked me, stared at me for several seconds in a very threaten way and asked me for a second time "are you or are you not guilty of none payment of rent?" I said I am not guilty. He said "OK, I will set a trial date for Monday now go to the clerks office and file an answer. Your husband filed a motion when he should have filed an answer. I suggest you get a lawyer."

43. Plaintiff also states: the judge asked if we was guilty of none payment of rent. I answered no, the judge then said he will go forward and set a trial date then my husband said he object and the judge responded "who do you think you are? This case isn't going anywhere and we're moving forward I suggest you get a lawyer and do not say another word!!" Then the judge asked the lawyer who is on the lease, once the lawyer said was the only one that signed the lease the judge asked my husband who he was and then questioned when did we get married, my husband answered again then the judge said "Didn't I tell you not to speak! I want you out my court you shouldn't be hear nobody except her!"

44. Defendants and Giles conspired together, based on Defendant Giles own admissions to Plaintiffs, to:

A. Agree that Defendant Giles would not have to respond to Plaintiffs' Motion to Dismiss because Defendant was not even going to rule on the Motion; and

B. Agree that Defendant was going to force Plaintiffs to file an answer and go to trial in the matter without ever ruling on the issue of lack of jurisdiction;

7. I understand the commission does not have authority to reverse a court order or assign a judge. **YES.**

**SPECIFIC NATURE OF
COMPLAINT AGAINST JUDGE**

8. Monday, October 25, 2010, was the date originally set for trial in this case at 11:30 a.m., for which my spouse and I received a written: **"NOTICE OF TRIAL DATE (EVICTION ACTION)**, attached to this Complaint as **Exhibit "A;"** and

A. My spouse and I received this Notice of trial date on or about Tuesday, October 19, 2010.

9. On Monday October 25, 2010, the date set for trial, at approximately 8:42 a.m., I received a restricted phone call to our phone # from a woman who did not identify herself, but she informed me that a case I had pending in the Estrella Mountain Justice Court prior to October 25, 2010, was transferred to the Agua Fria Justice Court at 9550 West Van Buren in Tolleson, Arizona, she did not give me a hearing date or time for any proceedings in the case. The case was: **AND ALL OCCUPANTS,**

Case No. CC-2010-

10. On Monday, October 25, 2010, at approximately 2:49 p.m., I appeared at the Agua Fria Justice Court and filed three (3) motions in the case of:

AND ALL OCCUPANTS,

The Court

personnel indicated they did not have the case physically in their Court yet, but that they should have it by tomorrow, which would have been October 26, 2010.

11. On October 26, 2010, at approximately 3:08 p.m., a call came into our phone # it was a call from a restricted number. When I answered the call, the man on the

other side of the call identified himself as "Dan," (Dan Johnson, Court Manager) and he said he was calling me to let me know that we (me and my spouse) had a hearing scheduled in the case of

AND ALL OCCUPANTS,

Case No. CC-2010- for Wednesday, October 27, 2010, at 9:00
a.m.

12. After I hung up, I realized that Dan Johnson did not tell us whether the hearing on October 27, 2010, at 9:00 p.m. was going to be just a hearing or a trial, so at approximately 3:10 p.m. I called the Office of the Clerk of the Agua Fria Justice Court and asked for Dan Johnson. When Dan Johnson got on the phone, I asked him if I would need to bring our witnesses, exhibits and jury instructions, and he said, "No!" Dan Johnson told me that the hearing on October 27, 2010, was just going to be a hearing and not a trial, so I didn't need to bring my materials needed for trial.

13. In good faith reliance on the information provided to me by "Dan Johnson," who appeared to have been either a clerk or some kind of administrative personnel with the Agua Fria Justice Court "that the hearing on October 27, 2010, was not going to be a trial, just a hearing," my spouse and I showed up for the hearing on October 27, 2010, at 8:30 a.m., expecting the Court to notify us of a trial date, since we had been informed by Dan Johnson that no trial was to take place on October 27, 2010.

14. However, when we showed up for the hearing on October 27, 2010, Judge
(the Judge against whom this complaint is made), was rude (on the record), would not let me or my spouse speak except to answer leading questions (i.e., those requiring only yes or no, responses). He would not let us speak as he proceeded to force us to trial, even

though his Clerk or Court personnel, "Dan Johnson" had told us the trial was not being held on October 27, 2010.

15. While all of this was going on, the opposing counsel, John C. Giles, was tagging his exhibits and getting his witnesses ready to testify. Based on these events, it is my contention that this **Judge too conspired with John C. Giles** to predetermine the outcome of the proceeding based on the following circumstantial evidential from which a conspiratorially aligned illegal objective (obstruction of justice by deciding the outcome of a case in advance of the hearing):

A. John C. Giles brought his witnesses and exhibits to court on October 27, 2010, so he could proceed to trial.

B. Defendants had a Motion for Summary Judgment and Motion to Dismiss pending which the Court had not ruled on, and because John C. Giles knew he and Judge [redacted] had previously agreed to decide those motions in his favor, he knew he would be going to trial notwithstanding a pending motion to dismiss and for summary judgment.

C. Defendants had a motion requesting trial by jury pending in the case, but because John C. Giles knew he and Judge [redacted] had made a previous, private agreement to deny Defendants' Motion for Jury Trial, he knew he would be proceeding to a bench trial even before the Judge ruled on Defendants' Request for Jury Trial, which is why he had already started tagging his trial exhibits **even before the Judge started the hearing on Defendants' case.**

D. John C. Giles already told me and my spouse that no matter what we did Justice Court Judge [redacted] was going to **find us guilty** (in advance of the trial) and evict

us, and that Justice Court Judge

was not even going to let us raise the

affirmative defense of retaliatory eviction in response to the eviction proceedings.

16. My spouse and I never received any WRITTEN NOTICE that a trial was to be held on October 27, 2010, yet Judge insisted on forcing us to trial, after he conspired with the Court Manager to tell us **not to bring our witnesses or exhibits because we we're only going have a hearing on October 27, 2010 at 9:00 a.m., not a trial**, such that Dan Johnson knowingly, deliberately, and intentionally lied to us for the specific purpose of letting TREEHOUSE GROUP's white lawyer., John C. Giles, carry out his conspiracies with Judges and to OBSTRUCT JUSTICE, contrary to the **Federal Conspiracy to Obstruct Justice Act** provisions of **THE KU KLUX KLAN ACT** found at 42 U.S.C. 1985(2), by finding me and my spouse guilty by AMBUSH, by deliberately misleading us, by and through Judge Court Manager, Dan Johnson, into not bringing our witnesses and exhibits to court so that TREEHOUSE GROUP, by and through its white attorney, John C. Giles, could AMBUSH me and my spouse, in open court, when:

A. Judge and the court personnel gave TREEHOUSE GROUP written and verbal notice to bring its witnesses and exhibits for a bench trial to be held on October 27, 2010, at 9:00 a.m., while

B. Judge by and through the Court Manager, Dan Johnson, specifically, deliberately, intentionally, and maliciously mislead me and my spouse by telling us **not to bring our witnesses and exhibits** to court on October 27, 2010, because it was not going to be a trial, just a hearing, at 9:00 a.m., for the specific purpose of discriminating against me and my spouse in order to impede, hinder, obstruct, or defeat, in any manner, the due course of justice in the Agua Fria Justice Court, with intent to deny **African American** litigants Harold

and THE EQUAL PROTECTION OF THE LAWS and to deny them their RIGHT TO TRIAL BY JURY (instead of being tried before a racially prejudiced judge who dislikes African Americans, such as) solely on account of our status as AFRICAN AMERICAN litigants when compared to other similarly situated white litigants and their white attorneys, to wit: John G. Giles, white attorney for the TREEHOUSE GROUP.

17. To the extent that all other white Maricopa County Justice Court litigants and their counsel are routinely provided with advance WRITTEN NOTICE of their trial dates, me and my spouse were denied our constitutional rights to **EQUAL PROTECTION OF THE LAWS** when Judge the court staff of the Estrella Mountain Justice Court, Judge Dan Johnson (Agua Fria Justice Court Manager), nor any other official with the Estrella Mountain Justice Court or the Agua Fria Justice Court ever provided me or my wife with WRITTEN NOTICE informing us that the hearing on October 27, 2010, at 9:00 a.m. was a trial date, not merely a hearing, as falsely, maliciously, and in bad faith communicated to me and my wife by Dan Johnson, as part of a continuing and ongoing conspiracy between white attorney John C. Giles and Maricopa County Justice Court Justices and to convict me and my wife and find us guilty. My wife and I first learned of this prior, private agreement between white attorney John C. Giles and on October 19, 2010, when white attorney John C. Giles unsuccessfully attempted to threaten and intimidate me and my wife into ceasing and desisting our extremely diligent and relentless attempt to assert our AFFIRMATIVE DEFENSE of RETALIATORY EVICTION to the underlying eviction proceedings from which this complaint arises.

18. My wife and I have also filed a lawsuit in the Maricopa County Justice Court against the ARIZONA ATTORNEY GENERAL and THE STATE OF ARIZONA (based on the

failure of its chief law enforcement officer, the Arizona Attorney General, to take corrective action by intervening in this conspiracy to corruptly influence Maricopa County Justice Court Justice to deny me and my wife and other **AFRICAN AMERICAN** Maricopa County Justice Court litigants **EQUAL PROTECTION OF THE LAWS** for knowingly allowing John C. Giles to corrupt Maricopa County Justice Court Justices, since I reported this conspiracy to the Arizona Attorney General's Office on or about October 20, 2010, who, while encouraging me to sue the Justices for Obstruction of Justice, THE ARIZONA ATTORNEY GENERAL failed to fulfill its duty to intervene on either me or my wife's behalf or on the behalf of the Maricopa County Justice Court Judiciary (to protect and preserve both the **integrity** and **public confidence** in the Maricopa County Justice Court Judiciary) which is slowly and insidiously being corrupted and thrown into disrepute, and its reputation impugned, by the illegal and corruptive influences of white attorney John C. Giles.

I, _____ affirm under penalty of perjury, that the allegations in the above and foregoing Judicial Complaint Against Judge _____ pages 1 through 7, inclusive, are true and correct; that I know the contents thereof; and that I know a false statement in this affirmation will subject me to the penalties of perjury.

Executed this 30th day of October, 2010.