

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-485

Judge:

Complainant:

ORDER

December 2, 2025

The Complainant alleged a superior court judge improperly granted a motion to amend a caption in a civil case.

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 Denise K. Aguilar and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 2, 2025.

2025 - 485

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.

On _____ the Plaintiff's attorney submitted to the court a Motion to Amend. The Defendant after being served the Plaintiff's Motion to Amend, submitted a Notice and Motion (pursuant to Civil Rule 7.1(a)(3) and 15(a)(2)) advising the court that the Plaintiff was outside of the timeframes set forth in Rule 15(a)(2). The submission of the Defendant's Motion met the requirements of Rule 7.1(a)(3) (10 days to respond).

According to the Court's Docket no Order by the Judge was filed or sent to the Defendant showing that the Plaintiff's was Granted (see attached). The Plaintiff's attorney advised the Defendant that the Judge had Granted their Motion to Amend without Ruling on the Defendant's Motion pursuant to Rule 7.1(a)(3) and 15(a)(2), (see attached). The judge showing judicial bias had granted the Plaintiff's Motion to Amend the day after the Plaintiff's attorney submitted their Motion to Amend, thus violating the Defendant's due process.

The Defendant was not afforded the remedy given her in Rule 7.1(a)(3) and Rule 15(a)(2). The Defendant's Motion responding to the Plaintiff's Motion to Amend was never ruled on, or considered in the court's docket. The Court's Docket never gives record that the Plaintiff's Motion to Amend was Granted pursuant to Rule 7.1(h).

On _____ the Defendant submitted a Motion to Request Clarification Pursuant to Due Process, the Plaintiff's attorney was served a copy as well. On _____ the Plaintiff's Attorney requested the Defendant to submit a Joint Report and Scheduling Order. The Defendant advised the Plaintiff's attorney that the judge had not ruled on their Motion to Request Clarification Pursuant to Due Process. On _____ another judge not assigned to the case ruled on the Defendant's Motion denying the violation of due process. This is a violation of A.R.S. 12-141 the judge which ruled on the Defendant's Motion never stated any reason for the reassignment, nor does the court docket show that the reassignment was legally transferred to the judge who ruled on the Motion (see attached order).

The Order denying the Defendant's motion doesn't rule on the full motion and the violation of due process pursuant to Rule 7.1(a)(3), which gives the Defendant pursuant to the rules of civil proceedings the opportunity to respond within the 10 days allotted by law.

Furthermore, the Defendant had filed a Motion for Preliminary Injunction requesting that the case be postponed due to the Plaintiff filing a suit against the Defendant from Florida (the plaintiff's state of origin) which had begun months prior to the Plaintiff filing in Arizona. The Plaintiff is using the same evidence and requesting the same amount of money in both cases. Additionally, the Plaintiff is still sending the Defendant invoices for the amount is claiming in both courts. The judge denied the Motion for Preliminary Injunction without giving a reason as to why the Plaintiff could sue the Defendant in two different states for the same amount of money using the same evidence to do so, and allowing the Plaintiff to still proceed with invoicing the Defendant for the amount that is being requested in court.

The judge has shown judicial bias pursuant to Arizona Civ. Rule 42(f) by denying the defendant due process, allowing another judge to rule on a motion without reassignment pursuant to A.R.S. 12-141, and allowing the plaintiff proceed with a claim which was made after the defendant requested for a preliminary injunction.

For all these reasons the Defendant in the above mentioned case request that the Arizona Commission on Judicial Conduct investigate these claims pursuant to Arizona Constitution article 6.1.



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.

Summary of the course of events:

1
) On _____, the Defendant submitted a Motion for Preliminary Injunction pursuant to: Fed.R.Civ.P. 65(a)(2) and Ariz.R. Civ.P. 65(a)(3) proving to the court that the Plaintiff had stated proceedings in another state against the Defendant for the same amount and using the same evidence which was entered and claimed within his courtroom.

2
) On _____, the Judge denied the Defendant's Motion for Preliminary Injunction without a complete discovery, allowing the Plaintiff to proceed in two separate states for the same amount.

3
) On _____, the Plaintiff's attorney emailed the Defendant stating that a Motion to Amend Caption would be submitted.

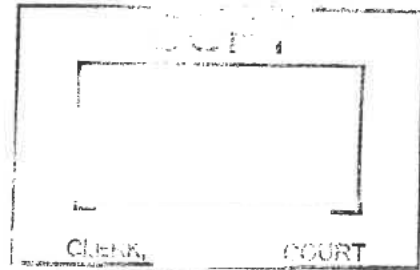
4
) The Plaintiff's Attorney filed a Order on Motion to Amend Caption on _____ which the judge signed on _____. The court placed the Order on the record, but never recorded the judge's order upon the record, pursuant to Rule 58(a).

5
) The Defendant submitted a Motion to Deny Plaintiff's Motion to Amend Complained pursuant to rule 15(a)(1)(A)(B) showing that the Plaintiff was not within the timeframes prescribed.

6
) The Defendant advised the Plaintiff's attorney that according to Arizona Supreme Court Rule 91(b) that the judge had 60 days to answer, on _____.

7
) On _____ a judge not assigned to the case ruled on the without proper jurisdiction pursuant to A.R.S. 12-141.

The judge within this case has shown judicial bias towards the Defendant such as Denying the Defendant's due process to have a complete discovery done pursuant to 65(a)(3); Granting the Plaintiff's motion to amend without giving the Defendant pursuant to Rule 7.1(a)(3) to respond; and having a judge rule on the Defendant's motion violating A.R.S. 12-141.



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IN THE COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

Plaintiff(s),

No.

v.

Defendant

**MOTION FOR PRELIMINARY
INJUNCTION**

**Pursuant to:
Fed. R. Civ. P. 65(a)(2) and
Ariz. R. Civ. P. 65(a)(3)**

Hon. _____

Comes now, _____ Defendant, respectfully moves this Honorable Court for a preliminary injunction pursuant to Fed.R.Civ.P. 65(a)(2) and Ariz.R.Civ.P. 65(a)(3), and in support thereof states as follows:

1. INTRODUCTION

Defendant respectfully seeks a preliminary injunction to prevent the enforcement or continuation of duplicative litigation arising from the same debt allegedly owed, now being pursued by two different entities. Absent intervention by this court, Defendant faces the imminent risk of inconsistent judgments, duplicative penalties, and irreparable harm to their credit and financial standing.

2. FACTUAL BACKGROUND

On or about _____ Defendant, allegedly owed the Plaintiff a bill in the amount of _____, for an unfinished contract by the Plaintiff that failed to pass inspection and failed to pass Defendant's insurance adjustor's standards.

1 The debt was initially pursued by (see attachments), who filed a Notice And
2 Claim of Lien (Mechanic's Materialman's or Professional Services) Ariz.Rev.Stat. Sec.33-993
3 Case No. 113020.

4 While that case remains unresolved, a second party, Attorneys at Law, who
5 claims to be a successor-in-interest or assignee, initiated a separate collection action based on the
6 exact same debt in County Court, Case No.

7 Both claims are premised on the same transaction and the same underlying debt, and Defendant
8 is being subjected to multiple lawsuits for the same obligation.

9 **3. LEGAL STANDARD**

10 To obtain a preliminary injunction, the moving party must demonstrate:

- 11 1. A strong likelihood of success on the merits;
- 12 2. That it will suffer irreparable harm if the injunction is not granted;
- 13 3. That the balance of hardships tips in its favor; and
- 14 4. That the public interest favors an injunction.

15 See Winter v. Natural Resources Defense Council, Inc. 555 U.S. 7, 20(2008)

16 **4. ARGUMENT**

17 **A. Likelihood of Success on the Merits**

18 Defendant is likely to succeed in showing that the second lawsuit constitutes an impermissible
19 duplicative action or violates the doctrine of claim preclusion (res judicata), as both actions arise
20 from the same set of facts and debt obligation. Courts have consistently held that a party may not
21 split causes of action or recover multiple times for the same debt. See In re Personal and Business
Insurance Agency, 334 F.3d 239, 241 (3rd Cir. 2003).

22 **B. Irreparable Harm**

23 Absent immediate injunctive relief, Defendant faces significant and irreparable harm, including:

- 24 • Damage to credit reports and financial standing;
- 25 • Unrecoverable litigation costs;
- 26 • Emotional distress ;
- 27 • Risk of conflicting judgments.

28 Money damages alone cannot fully compensate for the harm to the Defendant's legal rights and
reputation caused by redundant and vexations litigation.

**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.**