

CLERK OF SUPERIOR COURT
2021 NOV -9 PM 1:00

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

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IN THE MATTER OF THE PROHIBITING) ADMINISTRATIVE ORDER
EVERETT HUFFMAN FROM FILING ANY)
LAWSUITS IN PINAL COUNTY WITHOUT)
OBTAINING PERMISSION FROM THE)
COURT)
No. 2021 - 00 068

The Arizona State Legislature enacted A.R.S. §12-3201 to address the filing abuses and to outline the manner in which a pro se litigant may be designated as a vexatious litigant. Vexatious conduct is defined as: "(1) repeated filing of court actions solely or primarily for the purpose of harassment; (2) unreasonably expanding or delaying court proceedings; (3) court actions brought or defended without substantial justification; (4) engaging in abuse of discovery or conduct in discovery that has resulted in the imposition of sanctions against the pro se litigant; (5) a pattern of making unreasonable, repetitive and excessive requests for information; or (6) repeated filing of documents or requests for relief that have been the subject of previous rulings by the court in the same litigation." See A.R.S. §12-3201 (C).

Additionally, our courts "possess inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits." *Madison v. Groseth*, 230 Ariz. 8, 15, 279 P.3d 633, 639 (App. 2012). The filing excesses of vexatious litigants interfere with the orderly administration of justice by diverting judicial resources from those cases filed by litigants willing to follow court rules and those meritorious cases that deserve prompt judicial attention. See *Acker v. C.S. Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997). The Court can normally control filing abuses by the rules of professional responsibility applicable to attorneys or by the imposition of monetary sanctions, including attorney's fees. However, these avenues are not generally used when addressing a self-represented or pro se litigant.

In CV202100976, Magic Ranch Estate's Homeowner Association, Clint Goodman, and Amy Goodman have moved the Court to declare plaintiff, Everett Huffman ("Huffman"), a vexatious litigant. Arizona Revised Statute § 12-3201 allows pro se litigants to be designated vexatious litigants on requests of a party or on the court's own motion.

The term "without substantial justification" means that the claim or defense is groundless and is not made in good faith." Arizona Revised Statutes § 12-349. Before a court can designate a per se a vexatious litigant, a Court must give notice and an opportunity to be heard. ***Madison v. Groseth***, 230 Ariz. 8, 14, ¶ 18 (App. 2012). The hearing on regarding a vexatious litigant is to be heard by the presiding judge or judge designated by the presiding judge.

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Administrative Order
Designation of Vexatious Litigant

On February 21, 2021, this Division was appointed civil presiding in Administrative Order of the Pinal County Superior Court Administrative Order No. 2021-00040. On September 17, 2021, per Pinal County Superior Court Administrative Order No. 2021-00055 the civil presiding judge in Pinal County was given the authority to declare litigants vexatious.

As discussed in this Court's ruling from September 17, 2021, Huffman's counterclaim in CV201501738 and the complaints in CV201600184 and CV202100976 directly relate to Magic Ranch Estate's Homeowner Association's breach of contract claims in CV201501738. The trial court dismissed Huffman's counterclaim in CV201501738 and his complaint in CV201600184 with prejudice. The trial court was affirmed in **Magic Ranch Estates Homeowners Ass'n v. Huffman**, 2 CA-CV 2018-0142, 2019 WL 6332422 (App. 2019), review denied (June 25, 2020) and **Huffman v. Jackson**, 2 CA-CV 2018-0181, 2019 WL 5260716 (App. Oct. 17, 2019), review denied (June 25, 2020).

At the hearing on October 20, 2021, Huffman argued he was "screwed by two words, 'with prejudice'" in CV201501738 and CV201600184. He also claimed he was not the type to "rollover." In both cases, Magic Ranch Estate's Homeowner Association was awarded its cost and attorney's fees. Huffman's motivation, in filing CV202100976 is to prove that the complaint filed by Magic Ranch Estate's Homeowners Association was groundless. However, CV201501738 ended in a final judgment in the trial court and affirmed by the appellate court with a mandate. It cannot be collaterally attacked by obtaining "another and independent judgment which will destroy the effect of the former judgment." **Duncan v. Progressive Preferred Ins. Co. ex rel. Estate of Pop**, 228 Ariz. 3, 7, ¶ 13 (App. 2011). Huffman has repeatedly filed complaints and sought relief that have been the subject of previous rulings by the court in the same litigation.

Huffman's frustration in the results of CV2015001738 extended beyond Magic Ranch Homeowner's Association. Huffman filed suit in CV201600184 against Magic Ranch Estate's Homeowners Association's attorneys in CV2015001738. Huffman describes these attorneys as dishonest and unethical. Huffman stated, "If I don't get justice in court, I'll get it outside the court." Given that Huffman's counterclaim in CV201501738 and complaint in CV201600184 were dismissed in its entirety the subsequent filing of another complaint involving the same claims against the attorneys are both without substantial justification and harassment of the defendants.

Based on the above, **IT IS HEREBY ORDERED** designating Everett Huffman a vexatious litigant. Per Arizona Revised Statute § 12-3201 "A pro se litigant who is designated a vexatious litigant may not file a new pleading, motion or other document without prior leave of the court."

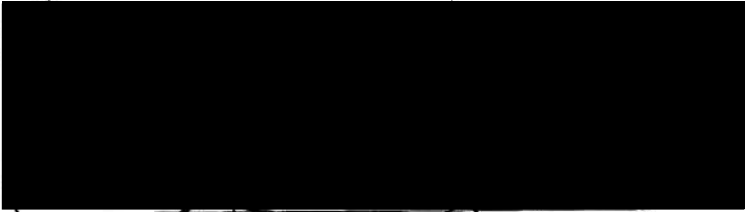
Administrative Order
Designation of Vexatious Litigant

Dated this 9th day of November, 2021.



Honorable Jason K. Holmberg
Civil Presiding Judge

Approved as to form and substance:



Honorable Joseph R. Georgini
Presiding Judge

Original: Filed with the Clerk
Copies To: Superior Court Judges
Public Defender, Kate Miliewski
County Attorney, Kent Volkmer
Public Defense Services, Cathryn Whalen
Court Administrator, Todd D. Zweig