

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF PROHIBITING
JOSEPH LEE LARSON FROM FILING
ANY LAWSUIT IN MARICOPA COUNTY
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT

) ADMINISTRATIVE ORDER
) No. 2018 - 104

This matter was referred by the Honorable Joshua D. Rogers to consider issuing an administrative order declaring Joseph Lee Larson a vexatious litigant. Upon review of other matters filed in this Court, and considering all the matters presented, the Court makes the following findings and orders.

Pursuant to A.R.S. § 12-3201, the Presiding Judge of the Superior Court may designate a pro se litigant who engages in vexatious conduct as a vexatious litigant. In addition, 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. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997). A.R.S. § 12-3201(E) defines vexatious conduct to include repeated filing of court actions solely or primarily for the purpose of harassment as well as bringing court actions without substantial justification.

Mr. Larson was prosecuted and convicted in Mesa Municipal Court for domestic violence assault. While his criminal case was pending, on September 20, 2016, Mr. Larson filed a civil lawsuit in Superior Court against the Mesa Municipal Court and Municipal Court Judge J. Matias Tafoya. (Case number CV2016-096318.) His lawsuit was entitled “innocent until proven guilty” and the allegations consisted of generalized complaining about his criminal case and his life. He asked for \$20 million in damages. Defendants filed a motion to dismiss. On November 28, 2016, Judge David Udall dismissed the civil lawsuit, finding that Mr. Larson had failed to state a claim and that Judge Tafoya had absolute immunity.

On October 6, 2016, Mr. Larson filed a civil lawsuit in Superior Court against attorney Susan Hawkins. (Case number CV2016-096496.) In the complaint he alleged that Ms. Hawkins, as his appointed attorney in his criminal case in Mesa Municipal Court, was trying to help the prosecution rather than him. He asked for \$3.5 million in damages. Defendant filed a motion to dismiss for failure to state a claim which was granted by the Court on January 9, 2017.

After his conviction in Mesa Municipal Court, on September 22, 2017, Mr. Larson filed a civil lawsuit in Superior Court against Mesa Municipal Court, Judge Michelle Lou

Sang, the Mesa Prosecutor's Office, and attorney Susan Hawkins. (Case number CV2017-095927.) The complaint contained allegations that his criminal conviction was unjust and then went on to list the ways in which the defendants had ruined his life. Mr. Larson demanded more than \$500 million in damages. The defendants filed a motion to dismiss which was granted by Judge Joshua Rogers on February 28, 2018.

Defendants Mesa Municipal Court, Judge Michelle Lou Sang and the Mesa Prosecutor's Office also filed a motion to have Mr. Larson declared a vexatious litigant. In their motion, the defendants argued that Mr. Larson's lawsuits relating to his criminal case in Mesa Municipal Court were without substantial justification, and contained baseless and frivolous claims that were an attempt to collaterally attack his criminal conviction and were also barred by absolute immunity, *res judicata*, and failure to state a claim for which relief could be granted. Furthermore, defendants argued that the lawsuits were intended to harass the defendants, and were consistent with other actions taken by Mr. Larson to harass and intimidate them, including sending threatening emails.

On March 20, 2018, Judge Rogers granted the motion to designate Mr. Larson a vexatious litigant in the civil case before him and then referred the matter for further consideration to have Mr. Larson declared a vexatious litigant for future cases.

The Court notes that Mr. Larson filed two other civil lawsuits in Superior Court on October 19, 2016. In case number CV2016-095708, Mr. Larson made allegations against a husband and wife claiming that they allowed him to be physically assaulted by their children when he was four or five years old (Mr. Larson is currently 38 years old). He demanded \$1 million in damages. The other lawsuit, case number CV2016-095707, alleged that a therapist and Mormon Family Services provided services to him when he was between the ages of five and eight and caused him to repress unspecified memories for thirty years. Mr. Larson requested \$50 million in the second lawsuit. Neither lawsuits were served and were dismissed pursuant to Rule 4(i) of the Rules of Civil Procedure.

The lawsuits Mr. Larson has filed in this Court are without any substantial justification. For the most part they contain no claims for which relief can be granted. Furthermore, his lawsuits are barred by the statute of limitations, *res judicata*, absolute judicial and prosecutorial immunity, or are an attempt to collaterally attack his criminal conviction in Mesa Municipal Court. Furthermore, his lawsuits related to his criminal case appear intended to further harass defendants he has previously threatened. The Court finds that the filing of these lawsuits by Mr. Larson constitute vexatious conduct as defined in A.R.S. § 12-3201.

The Court may issue an order limiting such a litigant's ability to file future lawsuits, motions, and requests for relief to the extent necessary to curtail the improper conduct. The Court finds the orders set out below to be the least restrictive orders that will adequately address Mr. Larson's established pattern of abuse. Therefore,

IT IS ORDERED as follows:

1. Mr. Larson may not file any new causes of action after the date of this order without leave of the Civil Presiding Judge or his/her designee.
2. Any motion for leave to file any lawsuit, pleading or motion shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Larson must either cite this order in his application, or attach as an exhibit a copy of this order.

If approval for filing a new action by Mr. Larson is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Larson.

Dated this 3rd day of July, 2018.

/s/ Janet E. Barton

Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Chris DeRose, Clerk of the Superior Court
Hon. Pamela Gates, Civil Department Presiding Judge
Hon. Joshua D. Rogers
Raymond L. Billotte, Judicial Branch Administrator
Joseph Lee Larson
Jason K. Reed, Attorney for City of Mesa defendants
Mark Hawkins, Attorney for Susan Hawkins