

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

IN THE MATTER OF PROHIBITING
MITCHELL TAEBEL FROM FILING ANY
LAWSUIT IN MARICOPA COUNTY
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT

ADMINISTRATIVE ORDER
No. 2019 - 011

Maricopa County Superior Court Administrative Order 2014-134 allows for a requestor to request a person be declared a vexatious litigant separate from any specific individual case. The Court has received such a request from the Arizona Attorney General's Office, by and through Assistant Attorney General Kara Lima, asking that an administrative order be issued declaring Mitchell Taebel a vexatious litigant. The matter will remain with the Presiding Judge of the Superior Court. A copy of the request was provided to Mr. Taebel and he responded on December 19, 2018 with a written objection to the request. Upon review of the pleadings, 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, unreasonably expanding or delaying court proceedings, and bringing court actions without substantial justification.

On January 24, 2018, Mr. Taebel was arrested and charged in Maricopa County Superior Court with three counts of assault, endangerment, and unlawful flight from a law enforcement vehicle (*State v. Taebel*, CR2018-104389). Mr. Taebel was originally determined to be incompetent to stand trial for his charges and ordered into the restoration to competency program while in custody at the 4th Avenue Jail. (Mr. Taebel was subsequently determined to be competent on December 14, 2018.)

Throughout 2018, while in custody awaiting his criminal trial, Mr. Taebel filed at least 13 civil lawsuits against various government officials, entities, and judicial officers stemming from his custody and prosecution. In these lawsuits, Mr. Taebel made a variety of claims of malicious prosecution, of unlawfully high bond, and other allegations of constitutional violations involving his criminal case. The lawsuits contained demands for billions of dollars in damages. The allegations in these lawsuits have been found to be

unsupported by law or fact, and have been routinely dismissed. The following provides a list of civil cases filed by Mr. Taebel with the Superior Court:

CV2018-005688, *Taebel v. Greg Stanton*, (filed April 4, 2018; removed to federal court)

CV2018-005993, *Taebel v. Mark Brnovich*, (filed April 19, 2018; dismissed July 6, 2018)

CV2018-008672, *Taebel v. Commission on Judicial Conduct, State Bar of Arizona, and State of Arizona*, (filed June 13, 2018; dismissed November 28, 2018)

CV2018-009066, *Taebel v. State of Arizona, Doug Ducey, Scott Bales*, (filed June 19, 2018, dismissed August 27, 2018)

CV2018-010031, *Taebel v. Judge Sam Myers*, (filed August 1, 2018; dismissed October 5, 2018)

CV2018-010410, *Taebel v. Attorney General*, (filed July 27, 2018; dismissed September 26, 2018)

CV2018-011152, *Taebel v. Commissioner Jane McLaughlin*, (filed September 4, 2018; dismissed October 25, 2018)

CV2018-011849, *Taebel v. DPS Officer Gilberto Federico*, (filed August 30, 2018; case pending due to plaintiff's interlocutory appeal to the Court of Appeals)

CV2018-011855, *Taebel v. Commissioner Richard Nothwehr*, (filed August 29, 2018; dismissed November 1, 2018)

CV2018-011979, *Taebel v. Attorney General, Steve Yarbrough, J.D. Mesnard*, (filed September 10, 2018; dismissed October 25, 2018)

CV2018-011980, *Taebel v. Department of Public Safety*, (filed September 11, 2018; dismissed January 14, 2019)

CV2018-012962, *Taebel v. Commissioner Wendy Morton*, (filed October 11, 2018; ruling pending on motion to dismiss)

CV2018-012991, *Taebel v. [Deputy Public Defender] Alfonso Castillo*, (filed October 12, 2018).

The Attorney General's Office argues in its request that Mr. Taebel's lawsuits often contain numerous pleadings that unreasonably expand and delay court proceedings and

that the lawsuits are without substantial justification.¹ In Mr. Taebel's objection to the request to declare him a vexatious litigant, he argues that he has an absolute constitutional right to access to the courts and the Attorney General's request to declare him vexatious is further evidence of "kidnapping and negligence by the Governor and Office of the Attorney General." The rest of Mr. Taebel's pleading rehashes arguments against Maricopa County Superior Court Commissioner Jane McLaughlin regarding the bail determination at his initial appearance in January of 2018 (issues he raised in his now-dismissed civil lawsuit against her).

A review of some of the pleadings filed by Mr. Taebel in his lawsuits show conduct that is solely for the purpose of harassment or to unreasonably expand or delay court proceedings. In his lawsuits against both Superior Court Commissioner Morton, and Mr. Taebel's former public defender Alfonso Castillo, Mr. Taebel has filed motions to order their arrest. His lawsuit against Presiding Criminal Department Judge Sam Myers requested \$150 billion in damages. In his lawsuit against Attorney General Mark Brnovich, Mr. Taebel filed seven more documents after his complaint but prior to the defendant's timely filing of a responsive pleading. Mr. Taebel's pleadings were variously identified as "Additional Memorandum," "Supplemental Memorandum," "Request for Admission to Defendant," "Motion to Change Judge," "Motion for Certiorari," "Motion for Injunction," and "Motion for Conference." A review of the docket in other cases reveals similar conduct.

Furthermore, the fact that almost all of the civil lawsuits filed by Mr. Taebel since April of 2018 have already been dismissed is evidence that these lawsuits are being filed without any substantial justification. Mr. Taebel is repeatedly raising issues in his civil lawsuits that concern his ongoing criminal prosecution, such as his allegations of unlawful arrest, unreasonable bond, and ineffective counsel. These issues should be raised in his criminal case. For the most part his lawsuits contain no claims for which relief can be granted. Furthermore, his lawsuits have been dismissed because they are barred by res judicata or by absolute judicial immunity.

For these reasons, the Court finds that the filing of these lawsuits by Mr. Taebel constitutes 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. Taebel's established pattern of abuse. Therefore,

IT IS ORDERED as follows:

1. Mr. Taebel 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.

¹ The Attorney General's Office also points out that Mr. Taebel has filed an additional twelve lawsuits against many of the same defendants in the Federal District Court of Arizona.

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. Taebel 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. Taebel is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Taebel.

Dated this 31st day of January, 2019.

/s/ Janet E. Barton

Honorable Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Jeffrey Fine, Clerk of the Superior Court
Hon. Pamela Gates, Civil Department Presiding Judge
Raymond L. Billotte, Judicial Branch Administrator
Mitchell Taebel
Kara L. Klima, Assistant Attorney General