

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

IN THE MATTER OF PROHIBITING
WILLIAM J. MYERS, JR. FROM FILING
ANY LAWSUIT IN MARICOPA COUNTY
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT

} ADMINISTRATIVE ORDER
No. 2019 - 097

This matter was referred by the Honorable David J. Palmer to consider issuing an administrative order declaring William J. Myers, Jr. 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, filing claims unreasonably expanding or delaying court proceedings, bringing court actions without substantial justification, and filing claims or requests for relief that have been the subject of previous rulings by a court in the same litigation.

Judge Palmer’s referral is a result of a motion by defendant Leah S. Freed to declare Mr. Myers a vexatious litigant filed in the case of *William J. Myers, Jr. v. Leah S. Freed*, Superior Court case number CV2018-096596. The defendant’s motion stems from a number of lawsuits filed by Mr. Myers, including against the defendant, in which Mr. Myers attempts to relitigate the same claims over and over again. It began when Mr. Myers filed a wrongful termination lawsuit against his former employer Freescale Semiconductor in this Court on August 7, 2012. See CV2012-095170, *Myers v. Freescale Semiconductor*. That case was removed by the defendant to the U.S. District Court of Arizona on November 14, 2012. Ultimately, Freescale Semiconductor filed a motion for summary judgment which the district court granted in favor of the employer and against Mr. Myers.

Mr. Myers then filed a second complaint against Freescale Semiconductor on August 26, 2013. See CV2013-094060, *Myers v. Freescale Semiconductor*. Again, Freescale Semiconductor removed the case to federal court where it was dismissed on the grounds of *res judicata* with the defendant’s attorneys fees being awarded against Mr. Myers.

On April 30, 2015 Mr. Myers filed a third lawsuit against Freescale Semiconductor in Superior Court alleging defamation of character and wrongful termination. The defamation of character allegations stemmed from his wrongful termination and the subsequent litigation of his previous lawsuits. See CV2015-093524, *Myers v. Freescale Semiconductor*. This lawsuit was dismissed by the court on the grounds of *res judicata* with Mr. Myers ordered to pay the defendant's attorneys' fees. Mr. Myers filed multiple notices of appeal in this matter which were dismissed.

Also on April 30, 2015, Mr. Myers filed a lawsuit in this Court against Freescale Semiconductor's attorney, Leah S. Freed, alleging the defendant made defamatory statements against him in her pleadings filed on behalf of her client Freescale Semiconductor. See CV2015-093525, *Myers v. Freed*. The Court dismissed this lawsuit based on absolute privilege and statute of limitations. Mr. Myers filed a notice of appeal in this case which was dismissed.

Mr. Myers filed two more lawsuits against Freescale Semiconductor, on December 22, 2015 and on March 28, 2016. See CV2015-096328 and CV2016-092450. Both lawsuits allege fraud on the court based on a claim that an affidavit filed by Freescale Semiconductor in the original 2012 lawsuit was a forgery (a claim made by Mr. Myers in the original lawsuit) as well as various other allegations including defamation of character and, again, wrongful termination. Mr. Myers first lawsuit was dismissed by the Court based on *res judicata*. In the second lawsuit, on July 24, 2017 summary judgment was granted in favor of Freescale Semiconductor, again based on *res judicata*.

On September 27, 2018, Mr. Myers filed another lawsuit against Freescale Semiconductor's attorney, Leah Freed and then immediately filed a lawsuit against Ms. Freed's law firm, Ogletree, Deakins, Nash, Smoak and Stewart. See CV2018-096596 and CV2018-096597, respectively. (The cases were consolidated under CV2018-096596.) In these cases, Mr. Myers once again alleges the affidavit filed in support of the original summary judgment motion in his original lawsuit against Freescale Semiconductor was a forgery, and therefore constitutes a fraud on the court by Ms. Freed and her law firm. On May 2, 2019 Judge Palmer dismissed the two consolidated cases with prejudice.

Mr. Myers has failed to prevail in any of these cases. His lawsuits continue to raise the same claims and issues that have been previously adjudicated against Mr. Myers. Furthermore, as Judge Palmer points out in great detail in his minute entry referring the vexatious litigant matter, numerous frivolous pleadings have been filed by Mr. Myers in many of these lawsuits. Many of the pleadings contain insulting and demeaning language aimed at Superior Court judges who have ruled against Mr. Myers in previous cases.

Additionally, in the time since Judge Palmer has referred this case for a vexatious litigation administrative order, Mr. Myers has filed another lawsuit against Freescale Semiconductor (CV2019-004491) once again alleging that the affidavit in support of Freescale Semiconductor's summary judgment motion back in his original 2012 wrongful termination lawsuit was forgery. Additionally, in the case dismissed with prejudice by Judge Palmer, Mr. Myers has filed on June 24, 2019 a notice he terms "Notice of Libelous

Statements Be Retracted Pursuant to A.R.S. §12-653.02” in which he alleges that Judge Palmer’s findings in his ruling (as well as another judge in a previous ruling) are “libelous and malicious lies” that must be retracted.

The Court finds that Mr. Myers has filed multiple lawsuits for the purpose of harassment of defendants Freescale Semiconductor and its attorney Leah Freed; has filed claims and pleadings unreasonably expanding or delaying court proceedings; has brought multiple court actions without substantial justification; and has filed claims or requests for relief that have been the subject of previous rulings by a court in the same litigation. For the reasons above, and the reasons enumerated at great length in Judge Palmer’s minute entry, the Court finds that Mr. Myers is engaging in 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. Myers’ established pattern of abuse. Therefore,

IT IS ORDERED as follows:

1. Mr. Myers 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. Mr. Myers may not file any further pleading or motion in any of his current lawsuits without first seeking leave from the judicial officer assigned to that lawsuit.
3. Any motion for leave to file any lawsuit, pleading or motion shall be captioned “Application Pursuant to Court Order Seeking Leave to File.” Mr. Myers 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. Myers is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Myers. This Administrative Order does not preclude Mr. Myers from filing a Notice of Appeal or a Notice of Cross-Appeal in accordance with Arizona Rules of Civil Appellate Procedure Rule 8(a) and (b). This Administrative Order only applies to Mr. Myers in his capacity as a *pro per* litigant, and not to any future legal counsel that might be retained by Mr. Myers.

Dated this 1st day of August, 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
Hon. David J. Palmer
Raymond L. Billotte, Judicial Branch Administrator
William J. Myers
Leah S. Freed, Ogletree Deakins P.C.
John Alan Doran, Sherman & Howard L.L.C.