

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

IN THE MATTER OF PROHIBITING)	ADMINISTRATIVE ORDER
<u>ARAYA WOLDE GIORGIS</u> FROM FILING)	NO. 2014-024
ANY LAWSUIT IN MARICOPA COUNTY)	
WITHOUT OBTAINING PRIOR)	
PERMISSION FROM THE COURT)	
_____)	

On February 7, 2014, the Court issued Administrative Order 2014-011, which required Araya Wolde Giorgis to obtain permission of the Court before filing any new causes of action. After the order was issued, Mr. Giorgis filed a Motion for a New Trial based on Administrative Order 2014-011, along with several other pleadings.

In consideration of the issues raised by Mr. Giorgis in his Motion for New Trial and other pleadings, as well as a review of all the cases filed by Mr. Giorgis in this Court, the Court replaces Administrative Order 2014-011 with this order.

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). This session, the Arizona House of Representatives has recognized that “Arizona courts possess inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits” (see Fact Sheet for H.B.2021), and as a result has proposed a bill to codify the authority of the Presiding Judge to designate a litigant and vexatious (see House Bill 2021).

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). Filing abuses are normally controlled by rules of professional responsibility applicable to attorneys and by imposition of attorney fees or other monetary sanctions. Unfortunately, these tools are ineffective when dealing with a self-represented litigant.

Some courts *sua sponte* dismiss frivolous lawsuits. During the past decade, this Court has declined to do so. Rather, on rare occasions, the Court has issued orders prohibiting litigants who have proven themselves to be vexatious from pursuing additional litigation without prior leave of the Court's Presiding Judge or his/her designee.

The Court has considered the position of Mr. Giorgis in his Motion for New Trial and other pleadings on this topic and finds as follows:

Since 2009, Mr. Giorgis has filed 27 civil actions. Eleven of those cases were filed in 2013. Of the cases filed by Mr. Giorgis since 2009, three cases were dismissed for failure to prosecute, five cases were dismissed for lack of service, and four cases have minute entries in them in which the Court has stated the case will be dismissed if service has not been completed on a given date in March.

A review of the cases filed by Mr. Giorgis reveals a repetitive pattern of conduct. Many of the complaints filed by Mr. Giorgis contain nearly identical allegations against a variety of unrelated defendants, simply adding the latest allegation or additional facts learned since the last filing. For example, the complaint in CV2012-001923 contains allegations in paragraphs 9, III.1, IV.1, IV, 2, V.1, and V.2 that are nearly identical to paragraphs in CV2011-098082. Many of these paragraphs appear in a nearly identical state in CV2012-002138 and CV2012-012880.

In addition, Mr. Giorgis appears to fixate on certain defendants. He has filed complaints against many of them multiple times, even after a dismissal with prejudice. For example, Mr. Giorgis filed a complaint naming Choice Hotels along with many other defendants on or about February 16, 2010 in CV2010-090579, alleging discrimination and refusal to return monies paid for July 24, 2009 hotel reservation. This case was dismissed for lack of service. On or about July 22, 2011, Mr. Giorgis filed another complaint against Choice Hotels along with many other defendants, alleging discrimination and other claims based on reservations for July 24, 2009, August 7, 2009, and September 4, 2009 and various other contacts with employees. On February 13, 2012, the Court dismissed the action against Choice Hotels with prejudice based on the statute of limitations and failure to comply with the statutory administrative procedures. Even after a dismissal with prejudice against Choice Hotels, Mr. Giorgis continued to file new actions that have since been dismissed naming Choice Hotels as one of many defendants, alleging discrimination and other causes of action. See, e.g., complaints filed in CV2012-001923, CV2012-002138, and CV2012-012880. On September 16, 2013, the Court again granted a motion to dismiss in favor of Choice Hotels in CV2012-012833.

Mr. Giorgis has used the same pattern of behavior against Infinity Insurance Company. The Court granted a motion to dismiss in favor of Infinity Insurance Company in CV 2011-096906 on February 13, 2012. This did not deter Mr. Giorgis from filing new complaints naming Infinity Insurance Company as one of many defendants. See, e.g., complaints filed in CV2012001923 and CV2012002138.

Numerous other examples of these behaviors exist, such as Mr. Giorgis filing complaints that name attorneys who have defended clients in previous actions brought by Mr. Giorgis as defendants in new civil actions.

Cases that are dismissed early, such as those that are dismissed for lack of service and lack of prosecution, consume valuable Court time. In addition, with repetitive filings, defendants are forced to expend resources to respond to similar, if not identical, claims multiple times. The Court is not finding that Mr. Giorgis does not have,

or could not in the future, have a legitimate claim. This order is not foreclosing his access to the Court. Rather, the order requires any new complaint be reviewed before filing to ensure the claim has not previously been raised and the complaint is not harassing or vexatious. If Mr. Giorgis has a legitimate cause of action, it will be allowed to proceed.

Based on a review of all the cases filed by Mr. Giorgis, the Court finds Mr. Giorgis to be a vexatious litigant and issues the following orders to limit his 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. Giorgis's established pattern of abuse. Therefore,

IT IS ORDERED as follows:

1. Mr. Giorgis 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. Giorgis may not file any new pleading, motion, or any other document in any non-criminal case in which judgment concluding the case has been entered without leave of the Civil Presiding Judge or his/her designee.¹

Any motion for leave to file shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Giorgis 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 is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Giorgis.

IT IS FURTHER ORDER replacing Administrative Order 2014-011 with this order.

Dated this 5th day of March, 2014.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

¹ Mr. Giorgis is not required to seek leave of Court before filing a "Notice of Appeal".

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of Superior Court
Hon. Janet Barton, Associate Presiding Judge
Hon. John Rea, Civil Presiding Judge
Hon. Douglas Rayes, Assigned Judge, CV2012-012833
Hon. Sally Duncan, Assigned Judge, CV2013-009875
Raymond L. Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Peter Kiefer, Civil Court Administrator
Araya Wolde Giorgis