

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

<p>IN THE MATTER OF PROHIBITING VICTOR M. BARREIRA FROM FILING ANY LAWSUIT IN MARICOPA COUNTY AGAINST LINDA M. FREDERICK OR YVETTE ANSEL WITHOUT OBTAINING PRIOR PERMISSION FROM THE <u>COURT</u></p>	<p>)))))))))</p>	<p>ADMINISTRATIVE ORDER No. 2018 - 075</p>
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This matter was referred by the Honorable Joseph C. Kreamer to consider issuing an administrative order declaring Victor M. Barreira 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 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).

On July 2, 2015, Linda Frederick filed a petition for dissolution of marriage against Mr. Barreira in Maricopa County Superior Court. (Case number FC2015-053529.) As of May 11, 2018, this dissolution action is still ongoing. While originally represented by counsel, Mr. Barreira’s counsel withdrew in July of 2016 and Mr. Barreira has represented himself since that date. During the course of this dissolution action, Mr. Barreira has brought additional causes of action against Ms. Frederick, her attorney, and her family members. Below is a summary of causes of action brought by Mr. Barreira during the course of this dissolution action.

On January 24, 2017, Mr. Barreira filed a petition for an order of protection against Bob Frederick, Ms. Frederick’s father. (Case number FC2017-051934.) The petition was denied by the Court on the same day.

On June 1, 2017, Mr. Barreira filed a lawsuit for defamation against Ms. Frederick’s mother, Rita Frederick. (Case number CV2017-007222.) The case was dismissed by the Court on October 27, 2017.

On June 5, 2017, Mr. Barreira filed a petition for an order of protection against his wife Linda Frederick. (Case number FC2017-053245.) An ex-parte order was initially granted, but the order of protection was later quashed by the Court.

On July 20, 2017, Mr. Barreira filed a civil lawsuit against his wife Linda Frederick titled "Marital Tort Complaint." (Case number CV2017-009292.) Ms. Frederick's motion to dismiss this lawsuit was granted by the Court on December 11, 2017.

On August 15, 2017, Mr. Barreira filed a civil lawsuit against Ms. Frederick's attorney, Yvette Ansel, and Ms. Ansel's law firm, Rubin and Ansel, for "fraud and intentional misrepresentation." (Case number CV2017-009750.) This case was dismissed by the Court on October 19, 2017, with costs awarded to the defendants and against Mr. Barreira.

In addition to these actions, Mr. Barreira has filed for two orders of protection against Linda Frederick's brother, Michael Martinez. (Case numbers FC2016-052441 and FC2017-052498.) Both orders were unopposed by Mr. Martinez and both were granted. Mr. Barreira has also filed a civil lawsuit against Mr. Martinez and his wife Alicia Martinez for "threats and assault." (Case number CV2017-071964.) While certain counts in this case were dismissed by the Court on May 8, 2018, the lawsuit is still ongoing.

Linda Frederick has filed a motion with the Court to have Mr. Barreira declared a vexatious litigant. While Mr. Barreira's lawsuits against Ms. Frederick's brother may or may not have merit, Mr. Barreira's lawsuits against Linda Frederick and her attorney outside of the dissolution action have been baseless and are an attempt to both harass Ms. Frederick and re-litigate issues from his domestic relations action. The Court finds Mr. Barreira to be a vexatious litigant.

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. Barreira's established pattern of abuse. Therefore,

IT IS ORDERED as follows:

1. Mr. Barreira may not file any new causes of action against Linda Frederick or her attorney Yvette Ansel 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 against Ms. Frederick or Ms. Ansel shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Barreira 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. Barreira against Ms. Frederick or Ms. Ansel is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Barreira.

IT IS FURTHER ORDERED referring Petitioner Linda Frederick's motion to declare Victor Barreira a vexatious litigant to Judge Joseph C. Kreamer for consideration to declare Mr. Barreira a vexatious litigant specifically for case number FC2015-053529.

DATED this 15th day of May, 2018.

/s/ Janet E. Barton

Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Chris DeRose, Clerk of Superior Court
Hon. Randall Warner, Civil Department Presiding Judge
Hon. Suzanne Cohen, Family Department Presiding Judge
Hon. Joseph C. Kreamer
Raymond L. Billotte, Judicial Branch Administrator
Victor M. Barreira
Yvette Ansel, Attorney for Ms. Frederick