

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

IN THE MATTER OF PROHIBITING)
STANLEY FISHMAN FROM FILING)
ANY LAWSUIT IN MARICOPA COUNTY)
WITHOUT OBTAINING PRIOR)
PERMISSION FROM THE COURT)
_____)

ADMINISTRATIVE ORDER
NO. 2013-060

This matter was referred to me by the Honorable Dean M. Fink, Judge of the Superior Court, after a request to declare Stanley Fishman a vexatious litigant in CV2013-005253. Upon receipt of this referral, the Court reviewed further case filings in which plaintiff is or has been involved.

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). 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 an indigent, pro per plaintiff.

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. In this context, in keeping with *Franklin v. Oregon State Welfare Division*, 662 F. 2d 1337 (9th Cir. 1981), the Court always notifies the litigant of the proposed action and gives him an opportunity to submit argument in opposition.

A review of the filings by Mr. Fishman reveals that he has filed 54 civil cases, all as a plaintiff, in the past five years: 14 cases so far in 2013; 7 cases in 2012; 17 cases in 2011; 6 cases in 2010; 3 cases in 2009; and 7 cases in 2008. In addition, Mr. Fishman filed more than 12 civil suits prior to 2008. The complaints filed by Mr. Fishman are one-page, hand-written complaints and lack the facts necessary to put the defendant(s) on notice of the alleged caused of action. Below is a summary of some of the cases filed by Mr. Fishman in recent years:

- Three civil actions filed against 21st Century Insurance, which appear to allege a failure to pay an insurance claim, all of which were dismissed. (CV2013-004879, CV2011-054788, CV2010-070004)
- Two civil actions against Amethyst Gardens, which appear to allege defendant failed to serve him food or the food was cold and his items were missing, both of which were dismissed. (CV2013-004949, CV2011-054784)
- Three civil actions against Bank of America, which appear to allege a failure to pay money or collect on a judgment, two of which have been dismissed and one is pending. (CV2013-005251, CV2011-056201, CV2010-050872)
- Two civil actions against Capital Asset Management for property damage to Mr. Fishman's van caused by hitting a pot hole, one of which has been dismissed and one is pending. (CV2013-005252, CV2011-054786)
- Five civil actions against Earl Scheib Inc, which appear to allege Mr. Fishman should have been paid a television commercial featuring the paint job on his vehicle, four of which have been dismissed and one is pending. (CV2013-004950, CV2011-056102, CV2010-050618, CV2008-054906, CV2008-050459)
- Three civil actions against Kiewit-Sundt for property damage, two of which have been dismissed and one is pending. (CV2013-004884, CV2011-056120, CV2011-055413)
- Two civil actions against State Farm Insurance for failure to pay a renter's insurance claim, both of which were dismissed. (CV2008-052795, CV2008-050460)
- Three civil actions against Sun Grove Resorts for failure to pay for services rendered, which are pending. (CV2013-004883, CV2011-055412, CV2011-056396)
- Two civil actions against Tuneup Masters for failure to pay a judgment, both of which were dismissed. (CV2008-054907, CV2007-053098)
- Two civil actions against US Bank for fraud and harassment, both of which were dismissed. (CV2009-053631, CV2008-051188)
- Two civil actions against Willow Creek Assisted Living because they ran out of food and he had to move out, one of which was dismissed and one is pending. (CV2013-004948, CV2011-054787)

Based on a review of all the cases filed by Mr. Fishman, the Court finds Mr. Fishman 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. Fishman's established pattern of abuse.

Given all of the circumstances, it is ordered as follows:

1. Mr. Stanley Fishman 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. Stanley Fishman 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. Fishman 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. Fishman

Dated this 3rd day of May, 2013.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of the Court
Hon. Janet Barton, Associate Presiding Judge
Hon. John Rea, Civil Presiding Judge
Raymond Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Peter Kiefer, Civil Court Administrator
Stanley Fishman

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