

**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 A MARICOPA COUNTY  
JUSTICE COURT WITHOUT OBTAINING  
PRIOR PERMISSION FROM THE  
COURT

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ADMINISTRATIVE ORDER  
No. 2015-095

This matter was referred to me by the Honorable C. Steven McMurry, Presiding Justice of the Peace for Maricopa County, to consider issuing an administrative order declaring Stanley Fishman a vexatious litigant in Maricopa County Justice Courts. An Administrative Order was issued in 2013 declaring Mr. Fishman a vexatious litigant in the Superior Court in Maricopa County. Superior Court Administrative Order 2013-060. Upon receipt of the referral from the Justice Courts, this Court reviewed the case filings in which Mr. Fishman is or has been involved in Justice Courts.

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). 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.

A review of the filings by Mr. Fishman in Maricopa County Justice Courts reveals at least 122 cases in which Mr. Fishman has been a party since 1997. Below is a summary of some of the cases filed by Mr. Fishman in recent years:

- On December 2, 2009, Mr. Fishman filed a complaint for \$250 in damages against Burgess Seed and Plant Co. because he “bought tomato seeds. They were all bad. [He] had to hire someone to plant tomatoes.” The case was dismissed for lack of prosecution. Case number CC2009691856.
- On December 2, 2009, Mr. Fishman filed a complaint for \$1,500 in damages against Home Depot because Home Depot “refused to fix lawn mower [he] purchased. [He] had to get lawn people to mow grass.” The case was dismissed for failure to appear. Case number CC2009691869.
- On August 19, 2010, Mr. Fishman filed a complaint for \$2,500 in damages

against Black Bear Diner because he “drove into their parking lot. It was dark. They have no lights, hitting large pot holes, doing damage to my van at 24<sup>th</sup> Ave. & Bell.” The court awarded Mr. Fishman no damages after hearing the case. Case number CC2010 474599 S.

- On November 29, 2010, Mr. Fishman filed a complaint for \$1,000 in damages against Capital Asset Management because he “went to Dr. Vikas Ahmad hitting pothole causing damage to my van.” The case was dismissed for failure to appear. Case number CC2010552995.
- On September 30, 2011, Mr. Fishman filed a complaint for \$600 in damages against Mega Liquidations because “holes in their parking lot cause me to have tire blowouts.” The case was dismissed for failure to serve. Case number CC2011 195067 SC.
- On April 11, 2014, Mr. Fishman filed a complaint for \$2,500 in damages against KJ Home LLC because KJ Home LLC “refused to return deposit [of] \$800 and fix damage van caused by them.” The court dismissed the case after hearing the case. Case number CC2014062790 SC.

Based on a review of all the cases filed by Mr. Fishman in Maricopa County Justice Courts, 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. Fishman may not file any new causes of action in any of the Maricopa County Justice Courts after the date of this order without leave of the Presiding Justice of the Peace or his/her designee.
2. Mr. 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 Presiding Justice of the Peace or his/her designee.<sup>1</sup>

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, a Justice Court clerk may accept subsequent filings in that cause number from Mr. Fishman.

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<sup>1</sup> Mr. Fishman is not required to seek leave of Court before filing a “Notice of Appeal”.

Mr. Fishman may object to this Order by submitting a written objection to the Office of the Presiding Judge within thirty (30) days of the date of this Order. Any such objection must specifically identify any factual errors in this Order.

Dated this 20<sup>th</sup> day of August, 2015

/s/ Janet E. Barton

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Honorable Janet E. Barton  
Presiding Judge

Original: Clerk of the Superior Court

Copies: C. Steven McMurry, Presiding Justice of the Peace  
Maricopa County Justices of the Peace  
Raymond L. Billotte, Judicial Branch Administrator  
Karen Westover, Deputy Court Administrator  
Jeff Fine, Justice Court Administrator  
Stanley Fishman