

1 The plaintiffs bring forth this adversary complaint and allege as follows:

2 **Preliminary Statements**

3 1. On November 12, 2008, plaintiff John W. Stone filed a chapter 13 bankruptcy petition
4 under the above named case number.

5 2. On December 12, 2008, Maricopa County Superior Court Judge Paul J. McMurdie
6 issued an order vacating the August 13, 2008 order of Manistee Justice Court Pro Tempore Judge
7 David Fletcher, which, as a matter of law the term, “status quo ante” is implicated. “Status quo
8 ante” meaning, "the way things were before", placed the parties, the Stones and Hardings, in the
9 position they occupied before defendant Judge Fletcher’s order.

10 3. Before Judge Fletcher’s order, on June 20, 2008, Manistee Pro Tempore Judge Richard
11 Haworth vacated the August 10, 2005 judgment of restitution for lack of jurisdiction that was issued
12 against the Stones in favor of Hardings, in a previous forcible detainer action.

13 4. As a matter of law, “status quo ante”, Judge Haworth’s June 20, 2008 order placed the
14 parties in the position they occupied prior to the August 4, 2005, forcible detainer hearing which
15 produced the August 10, 2005 judgment of restitution issued by Judge Anderson.

16 5. Prior to the August 4, 2005 forcible entry detainer hearing and on August 2, 2005, the
17 Stones had filed their chapter 11 bankruptcy petition, initiating the bankruptcy automatic stay,
18 which was in effect and not lifted until September 6, 2005.

19 6. This case’s core is centered in state law, where usurpation of power and deprivation of
20 rights were transacted in derogation of the Arizona Constitution, which Article VI, § 14-14 provides
21 that, “Superior Court shall have original, (in the Stones’ case, no) jurisdiction of actions of forcible
22 entry and detainer.” However, without the aforementioned authority of law, the defendant judges
23 executed void orders acknowledging that Hardings did in fact use the void August 10, 2005
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1 judgment of restitution and the September 6, 2005 lift stay order and procured the September 7,
2 2005 writ of restitution from Peoria Justice Court's, Justice Lex Anderson.

3 7. All defendants have also attested that, Hardings, with armed assistance, used the void
4 now vacated August 10, 2005 judgment of restitution to evict the Stones and take, hold, sell and
5 disposed of their exempt property, non-exempt property, and property of non-debtor third parties.
6 Nevertheless, they refuse to recognize the judgment of restitution as void and vacated, disregarded
7 the record, the rules and laws of court, and made adjudications without jurisdiction.

8 8. The orders issued by Judges McMurdie and Haworth, have the lawful effect that: (a)
9 made void and moot all orders rendered by the defendant judges in this action who executed on the
10 forcible detainer judgment; (b) placed the Stones back in the position they were, August 2, 2005, the
11 day of their chapter 11 bankruptcy filing; (c) established the Stones' were robbed before the chapter
12 11 bankruptcy was dismissed; (d) established that the Stones were deprived of federal and state
13 substantive statutory and constitutional rights; (e) established that the Stones' chapter 11 bankruptcy
14 was corruptly interfered with and creditors defrauded; and (f) established that the Stones' business
15 and prospective business, as well as their litigations in pursuit (assets) were corruptly interfered
16 with, which caused extreme infliction of emotional and financial distress for over three years and
17 continuing.
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19 9. Case law also provides that, "The notion that a vacated judgment is destroyed and the
20 parties restored to their previously existing status is so widely accepted, as to be absolute." *Bell v.*
21 *Sannon, 975 S.W. 2d 947.*

22 10. The debtor's chapter-13 bankruptcy, now in progress in this court, came about as a direct
23 result of the fraudulent transfer of property rights by usurpation of judicial power to render and
24 validate void orders.
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1 11. Federal Rules of Civil Procedure, Rule 60(b)(3)(4)(5)(6), and Bankruptcy Rule 9024,
2 make it a command and mandatory that the Court vacate as void the subsequent orders to the
3 underlying August 10, 2005 judgment of restitution that was vacated as set-forth herein.

4 12. The subsequent orders include but are not limited to the Stones' claims in the Maricopa
5 County Superior Court and the Federal District Court, which are directly related to and based on the
6 void August 10, 2005 judgment of restitution now vacated.

7 13. Not including the orders already vacated by Judges McMurdie and Haworth, debtor John
8 Stone, in his chapter 13 capacity, and wife Shirley Stone, non-debtor party in interest, (herein
9 referred to as "the plaintiffs" "or the Stones") in their chapter 11 capacity as debtors in possession,
10 do hereby invoke Bankruptcy Rule 9024 and FRCP, Rule 60(b)(3)(4)(5)(6), against the orders
11 executed by all defendant judges in this action, including Judge Murguia's September 29, 2008,
12 order.

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14 14. The Stones bring this complaint before this Court on behalf of their bankruptcy estate[s]
15 and themselves to recover damages in their capacity as debtors in possession, exercising the same
16 rights and powers as bankruptcy trustees pursuant to ***FR Bankr.Rro. Rule 6009 - prosecution by***
17 ***Debtor(s) in Possession, FR Bankr.Pro. Rule 9024 - relief from judgment and FRCP, Rule***
18 ***60(b)(4)(5 – judgment void and vacated;*** Rights and Duties of Chapter 11 Debtors in Possession
19 pursuant to ***11 U.S.C. §§ 1101, 1106-1108***, and Rights and Duties of Chapter 13 Debtor in
20 Possession pursuant to ***11 U.S.C. §§ 1303, 1304.***

21 **JURISDICTION**

22 15. This Court has jurisdiction pursuant to ***28 U.S.C. §§ 157, and 1334, 1334(a)(b).***

23 16. Subject-Matter Jurisdiction is also conferred by the "arising under," "arising in" and or
24 related to bankruptcy jurisdiction, and is a "core" proceeding pursuant to ***FR Bankr.Pro., Rule***
25 ***7008, and 28 U.S.C. §§ 157, 157(b)(1)(2)(a).***

1 17. The relief requested in this matter is authorized under the Bankruptcy Code, *11*
2 *U.S.C.A. §§ 101 et. seq., 105(a), 11 U.S.C. §§ 1101, 1106-1108*, Automatic Stay Violations
3 pursuant to *11 U.S.C.A. §§ 362, 362(h)*; Fraudulent Transfers pursuant to *11 U.S.C.A. §§ 541-55*
4 and Arizona UFTA- *A.R.S. §§ 44-1001-1010*; forcible detainer pursuant to *ARS § 12-1178*,
5 personal actions pursuant to *ARS § 12-542*, RICO pursuant to *18 U.S.C. 1964*; and Civil Rights
6 violations pursuant to *42 U.S.C. §§ 1983, 1985, and 1986*.

7 **PARTIES**

8 18. Plaintiffs John W. and Shirley D. Stone are residents of Maricopa County and at all
9 times material to this action and at all times have been, a “person” within the meaning of the 18
10 U.S.C. §§ 1961(3) and 1964.

11 19. Defendant Bankruptcy Judge James Marlar, Arizona Federal District Court Judges
12 Margaret Murguia, Steven McNamee, Arizona Court of Appeals Judges Maurice Portley, Jon
13 Thompson, Edward Burke, Maricopa County Superior Court Judge Robert Houser, Maricopa
14 County Superior Court Pro Tempore Judge William Schafer, Maricopa County Justices of the Peace
15 Lex Anderson, David Fletcher, Gary Handley, and Richard Haworth, are residents of or are
16 employed in Maricopa County, and Arizona Federal District Court Judge David Bury is a resident
17 or employed in Pima County.

18 20. All the judges are being sued in their individual capacity for acting without jurisdiction
19 and authority of law when they executed court orders that were directly tied to and were subsequent
20 to the void August 10, 2005 judgment of restitution, vacated June 20, 2008; affirmed by Judge
21 McMurdie on December 8th and 12th 2008, as void for lack of jurisdiction, and as such, are liable to
22 the Stones, the creditors of the bankruptcy estates, and other third parties.

23 21. Defendants Kent and Kristina Harding are residents of Maricopa County and were
24 creditors of the Stones’ chapter 11 case no. 2:05-13837, previously before this Court.
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1 22. Defendants Scott M. Clark and Paul A. Henderson and Joseph Boyle, are residents of
2 Maricopa County. Clark and Henderson were the attorneys for the creditor Hardings in the chapter
3 11, Case No. 2:05-13837, Federal District Court Case No. CV05-2626, Maricopa County Manistee
4 Justice Court Case No. CC2007176431, Peoria Justice Court Case No. CV05-03485fd, and
5 Maricopa County Superior Court Special Action Case No. LC2008-000621-001 DT. Boyle was the
6 attorney for Hardings, Clark and Henderson in Superior Court Case No. CV06-050748, Federal
7 District Court Case No. CV07-1801, Arizona Court of Appeals Case No. 1 CA-CV 07-0770.

8 23. Defendants attorneys, Boyle, Clark, and Henderson made numerous misrepresentations,
9 and filed numerous pleadings with the defendant judges and were the beneficiaries of the void
10 orders that caused the fraudulent transfers of the Stones' property and property rights and are liable
11 to the Stones, the creditors of their chapter 11 bankruptcy estate and other third parties.

12 24. Defendant Edward J. Maney is a chapter 13 bankruptcy trustee and a resident of
13 Maricopa County.

14 25. Defendant Maney made false statements during the 341 creditors meeting, clearly
15 exposing the intent the block access and jeopardized the fair administration of the debtor's pending
16 chapter 13, given rise the plaintiffs' request for declaratory and injunctive relief.

17 26. All defendant judges and the other defendants, including John and Jane Does listed in
18 this action, were privy to the same evidentiary facts that were presented to Judge McMurdie and Pro
19 Tempore Justice of the Peace Richard Haworth prior to their rulings.
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1 37. Hardings and their attorneys did not follow state statutory laws and concealed that they
2 had failed to properly notice or summon the Stones to court.

3 38. Judge Anderson failed to establish jurisdiction of the court, knowing first hand and by
4 the substantive documentary evidence in the record that showed that the August 4, 2005 forcible
5 entry and detainer hearing was held while the bankruptcy automatic stay was still in effect.

6 39. Judge Anderson acts clearly show the role he played in the conspiracy to deprive the
7 Stones and their creditors of substantive constitutional and statutory rights.

8 40. On September 8, 2005, Harding served the Stones with the void August 10, 2005
9 judgment of restitution, the September 7, 2005 writ, and assaulted and unlawfully evicted the
10 Stones, and seized their exempt and nonexempt property of their bankruptcy estate, as well as
11 property of third parties.

12 41. On September 13, 2005, Harding procured ex parte from Peoria Justice Anderson, an
13 order of injunction for harassment against Stone after contacting him to recover the property in his
14 possession.
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16 42. On March 6, 2006, Harding filed a complaint with the Phoenix police for harassment
17 against John Stone, for trying to retrieve their property.

18 **Defendants Harding, Clark and Henderson and Federal District Court Case No. CV05-2626.**

19 43. On August 30, 2005, the Stones filed with the Phoenix Federal District Court, Case No.
20 CV05-2626, a complaint for RICO and civil rights violations against of the Stones, which were
21 based on prior wrongs before the robbery of the bankruptcy estate against bankruptcy Judge James
22 Marlar, Kent and Kristina Harding, their attorneys Scott M. Clark and Paul A. Henderson and
23 others, which became property of the chapter 11 bankruptcy estate.

24 44. During the federal case CV05-2626 litigation proceedings, Harding's attorneys, Clark
25 and Henderson, specifically after the robbery, failed to respond to the Stones' notices and motion to

1 recover property, and failed to deny the allegations of robbery of bankruptcy estate property; and
2 made no comment of it in their response to the complaint they had filed over 30 days late.

3 45. In November 2007, Harding's attorneys notified the federal court that the Stones'
4 property in possession of Harding, would be sold to offset the unliquidated disputed debt, failing the
5 inform the court that the taking, withholding and sale of the Stones' property was perfected with the
6 void August 10, 2005 judgment of restitution, and without jurisdiction of the court.

7 **Defendants Harding, Clark and Henderson and the Superior Court Case No. CV06-050748**

8 46. On March 2, 2006, the Stones filed a complaint for damages for forcible detainer, theft,
9 wrongful conversion and other causes in Maricopa County Superior Court, Case No. CV06-050748,
10 with presiding Judge Robert C. Houser, naming the Hardings, Clark and, Henderson, as liable.

11 47. On January 17, 2007, the Stones filed a motion for summary judgment, based on the
12 obvious fact that the forcible detainer August 10, 2005 judgment of restitution was void.

13 48. On May 17, 2007, defendants the Hardings, Clark and Henderson, filed their "Motion
14 for Summary Judgment" and claimed that defendant judges McNamee and Bury had already
15 adjudicated the Stones' claims and that the doctrine of res judicata applied.

16 49. During the litigation of the Superior Court case CV06-050748, Harding's attorneys,
17 Clark and Henderson, concealed the fact that the August 10, 2005, judgment of restitution was void
18 and that the rendering of the September 7, 2005 writ of restitution was rendered on the void
19 judgment and without jurisdiction of the court.

20 **Defendants Hardings, Clark, and Henderson and Federal District Court Case No. CV07-1801**

21 50. On August 17, 2007, the Stones and other third parties filed a complaint for damages for
22 deprivations of civil rights in the Superior Court, which was based on the invalidity of the forcible
23 detainer action.
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1 51. On September 21, 2007, the defendants in the case removed the case to the Federal
2 District Court, which was assigned to Judge Mary H. Murguia, Case No. CV07-1801.

3 52. During the litigation proceedings of the federal case CV07-1801, attorney Joseph Boyle,
4 acting on behalf of the Hardings, Clark, Henderson, filed numerous pleadings misrepresenting the
5 fact that the August 10, 2005, judgment of restitution was void.

6 **Defendants Hardings, Clark, and Henderson and Manistee Justice Court Case, CCV2007-176431**

7 53. On August 29, 2007, the Stones filed a post-judgment motion to vacate the September 7,
8 2005 writ, which was removed to the Manistee Justice Court, Case No. CC2007-176431.

9 54. The post-judgment motion was filed pursuant to ARCP, Rule 60(c), based on the facts
10 that the underlying judgment of restitution issued, August 10, 2005, was void and that the court
11 lacked jurisdiction because the Hardings had failed to properly notice or summon the Stones to
12 court, which violated Arizona's Landlord Tenant Act, and substantive federal due process rights.

13 55. On August 31, 2007, Hardings' attorneys responded to the post-judgment motion to
14 vacate the writ and concealed that the August 10, 2005, judgment of restitution was void.

15 56. On September 11, 2007, Justice of the Peace Gary Handley denied the Stones' post-
16 judgment motion to vacate the September 7, 2005 writ of restitution and on May 28, 2008, ruling on
17 the Stones appeal, Pro Tem Superior Court Judge William Schafer affirmed Handley's decision.

18 57. On June 6, 2008, the Stones returned to the Manistee Justice Court with a motion to
19 vacate the August 10, 2005 judgment of restitution pursuant to ARCP, Rule 60(c), judgment void
20 for lack of jurisdiction, because bankruptcy automatic stay was in effect
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22 58. On June 10, 2008, Harding's attorney Paul Henderson responded to the Stones' motion
23 to vacate the August 10, 2005, judgment of restitution with a motion to strike the motion, purposely
24 misrepresenting that the Stones' motion as a second motion to vacate the September 7, 2005 writ.
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1 59. Defendant Henderson, acting on behalf of self and Harding, conceal the fact that the
2 August 10, 2005 judgment of restitution was void and that they had proceeded against the Stones,
3 without jurisdiction of the court.

4 60. After Judge Haworth granted the Stones' post-judgment motion, Henderson filed on
5 behalf of self and Harding, an emergency motion to reconsider the post-judgment order, which
6 granted the Stones' motion to vacate the void August 10, 2005 judgment of restitution.

7 61. On July 14, 2008, Harding and attorneys failed to attend the emergency reconsideration
8 hearing that they requested, and Judge Haworth rescheduled the hearing, August 13, 2008.

9 62. On August 13, 2008, while Judge Fletcher retried the issues entertaining the oral
10 argument, Henderson made misrepresentation claiming that the August 10, 2005, judgment of
11 restitution was not void and was validated by defendant Judges Handley, Schafer, Houser,
12 McNamee, and Bury.

13 **Defendants Hardings, Clark, and Henderson and Court of Appeals Case No. 1 CA-CV 07-0770**

14 63. On September 20, 2007, the Stones filed the notice of appeal from Superior Court Judge
15 Robert Houser's order for case CV06-050748, which granted attorney Boyle's motion for summary
16 judgment and denied the Stones' motion for summary judgment and sanctions. The Court of Appeal
17 case was assigned, Case No. 1 CA-CV 07-0770.

18 64. In response to the Stone's appeal brief, Boyle, the attorney acting on behalf of the
19 Hardings, Clark, Henderson, concealed from the court that the August 10, 2005, judgment of
20 restitution was void.
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Defendant James Marlar

Chapter 11 Bankruptcy case # 2:05-13837

65. Judge Marlar was assigned to the Stones' chapter 11 bankruptcy case no. 2:05-13837.

66. On August 30, 2005, the Stones' filed a motion to dismiss their chapter 11 based on the information and belief that the proceedings were rigged and that the bankruptcy would be prevented from fair administration, and filed with the Court the notice of filing their civil rights complaint with the federal district court naming Judge Marlar as one of the defendants in the that case.

67. On September 6, 2006, Judge Marlar lifted the automatic so that creditors Hardings and their attorneys could violate Arizona State Law and the Bankruptcy Code to unlawfully evict the Stones and rob them of their property.

68. On September 13, 2005, defendant Judge Marlar received and signed for the plaintiffs' August 30, 2005 complaint filed with the federal district court that named him as one of the defendants.

69. On September 16, 2005, the Stones, personally and in their official capacity as chapter 11 debtors in possession, filed with the federal district court a "Notice of Criminal Complaint for Armed Robbery, and filed a copy with the court for Judge Marlar.

70. On September 19, 2005, after it became evident that Harding would not be returning their property willingly, the Stones' filed a motion with the federal district court to recover their property, sanction Harding and attorney, and arrest the Hardings and their attorneys, and forwarded the motion to Judge Marlar.

71. On October 5, 2005, Judge Marlar dismissed the Stones' chapter 11 and blocked them from filing any further pleadings until after October 17, 2005, and then only allowing them to file another bankruptcy whereby he would be their judge.

1 72. Prior to dismissing the Stones' chapter 11 bankruptcy, Judge Marlar received
2 information that the Stones' bankruptcy estate and third parties were robbed by creditors Hardings
3 and their attorneys on September 8, 2005.

4 73. Judge Marlar intentionally disregarded the Stones' filings and blocked the just recovery
5 of the property and the ensuing investigation.

6 74. On December 20, 2005, Judge Marlar received from co-conspirator defendant Judge
7 Bury, his dismissal from the Stones' bankruptcy estate's federal court civil rights complaint.

8 75. On January 26, 2006, the Stones' personally and acting in their official capacity as
9 chapter 11 debtors in possession, filed with the bankruptcy court a complaint against Hardings and
10 others for automatic stay violations and the wrongdoing surrounding the September 8, 2005
11 unlawful eviction and wrongful taking of their exempt and nonexempt property of their bankruptcy
12 estate, and the property of non-bankruptcy third parties.

13 76. On February 22, 2006, Judge Marlar dismissed with prejudice the Stones' January 26,
14 2006, complaint, and closed the chapter 11.

15 77. On September 29, 2008, Judge Marlar received from co-conspirator defendant Judge
16 Murguia, a copy of the order that she executed dismissing the complaint filed by the Stones and
17 third parties in federal court case no. CV07-1801, for civil rights violations for deprivations of
18 substantive rights was based on the acts surrounding the invalidity of the forcible detainer action
19 and robbery.

20 78. Judge Marlar corruptly directed the bankruptcy court clerks to direct the Stones to him
21 when Stone filed his chapter 13 petition on November 12, 2008.

22 79. Judge Marlar, with corrupt intent to get rid of Stone, defraud his creditors, and further
23 the bankruptcy fraud, denied Stone's application to pay filing fees in installments for this chapter
24 13, and threatened to dismiss chapter 13 with prejudice.
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1 80. Judge Marlar conspired and agreed with all the defendant judges and defendant non-
2 judges named in this action, to intentionally conceal and ignore the fact that the August 10, 2005
3 judgment of restitution was void, that the courts lacked jurisdiction, to usurp power and deprive the
4 Stones and their creditors of their substantive constitutional and statutory rights.

5 81. Judge Marlar is boxed in and knows that if he follows the law that his and the rest of the
6 defendants wrongdoing will be exposed, so in keeping with his October 5, 2005 order dismissing
7 the Stones' chapter 11 bankruptcy, Judge Marlar agreed to rig any proceeding of Stones' brought
8 before him, including this chapter 13, continuing the conspiracy to block access to court and deprive
9 the Stones and their creditors of substantive constitutional and statutory rights.

10 82. Judge Marlar had no jurisdiction and authority of law to conspire to defeat the
11 Bankruptcy Code and deprive the Stones' and their creditors of substantive constitutional and
12 statutory rights.

13 83. As a matter of law, Judge McMurdie's December 12, 2008 order and Judge Haworth's
14 June 20, 2008 order deem Judge Marlar's September 6, 2005 order, October 5, 2005 order, and
15 February 22, 2006 orders, void.

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17 **Federal Judge Steven McNamee and Judge David C. Bury**

18 Federal District Court Case No. CV05-2626

19 84. Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1- 83
20 above as more fully set forth herein.

21 85. After the Stones filing of their federal complaint and after the robbery of their property,
22 on September 19, 2005, the Stones', in their personal and official capacity as chapter 11 debtors in
23 possession, filed an "Emergency Motion to Recover the Property, Motion to Arrest Harding and
24 Others, and Motion for Extension to File RICO Complaint, and served it on Judge Marlar,
25 Hardings, attorneys Clark and Henderson, and the others.

1 86. On November 29, 2005, the Stones' filed an emergency motion with Judge McNamee to
2 enjoin the Hardings from the scheduled December 2, 2005 selling of the property that belonged to
3 them, the bankruptcy estate, and third parties.

4 87. The Stones' motion set-forth facts that the property was wrongfully taken and withheld,
5 and that although the stay was terminated, Harding and attorneys proceeded still in violation of
6 substantive Arizona State constitutional and statutory law.

7 88. On December 1, 2005, ignoring the documentary evidence provided in the recorded,
8 Judge McNamee issued the order denying the Stone's motion to enjoin the sale of their property.

9 89. Judge McNamee's order acknowledged that the bankruptcy stay was in effect when
10 Harding procured the void August 10, 2005 judgment of restitution, and that Harding did in fact use
11 the August 10, 2005, judgment of restitution to procure the September 7, 2005 writ of restitution,
12 and that then on September 8, 2005, Hardings proceeded in representing those orders as valid and
13 used them to evict the Stones and take their property.

14 90. Judge McNamee declared that the propriety of the August 10, 2005, judgment of
15 restitution, the September 7, 2005, writ of restitution, and the September 6, 2005, order lifting the
16 automatic stay were not before him and were unrelated to the federal district court case CV05-2626.
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18 91. Judge McNamee knew that case CV05-2626 was an asset of Stones' chapter 11 estate,
19 and he had a duty to stop and prevent the furtherance of the wrongdoing, but instead used his
20 official position to obstruct justice, conceal the wrongdoing and aid in their escape from justice.

21 92. On December 20, 2005, Tucson Federal District Court Judge David C. Bury, issued the
22 order in accordance with and in acknowledgement with Judge McNamee's December 1, 2005, order
23 as set-forth above in paragraphs 84-91.
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1 93. On February 3, 2006, after further notices and motions informing the court of the
2 violations and robbery, which interfered with judicial proceedings and caused the spoilation of
3 evidence, Judge Bury issued an order dismissing the chapter 11 asset with prejudice.

4 94. On September 29, 2008, defendant Judge Murguia set-forth in her order that Judge
5 McNamee and defendant Judge Bury made adjudications validating the void now vacated August
6 10, 2005 judgment of restitution.

7 95. Judge McNamee and Judge Bury lacked jurisdiction and authority of law to enforce and
8 validate the void now vacated August 10, 2005 judgment of restitution that was used to evict and
9 rob the Stones and as such, orders are void.

10 96. Judge McNamee and Judge Bury, stepped out of their official position when they aided
11 and abetted the Hardings in the wrongful conversion of the property, fraud on the court and other
12 substantive wrongs and furthered the conspiracy to deprive the Stones and their creditors of
13 substantive constitutional and statutory rights.

14 97. As a matter of law, Judge McMurdie's December 12, 2008 order and Judge Haworth's
15 June 20, 2008 order deem Judges McNamee and Bury's orders, void

16
17 **Judge Robert C. Houser**

18 Maricopa County Superior Court, Case No.: CV2006-050748

19 98. On March 2, 2006, the Stones' filed a complaint with the Maricopa County Superior
20 Court, Case No.: CV2006-050748, against Hardings and their attorneys Clark and Henderson for
21 damages for the wrongs surrounding the September 8, 2005, unlawful eviction and theft of their
22 exempt and nonexempt property of their bankruptcy estate.

23 99. The Stones' core issue of their complaint was the invalidity of the forcible detainer
24 hearing that proceeded against the Stones on August 4, 2005, resulting in the rendering of the
25 August 10, 2005 judgment of restitution that was void and now vacated and used to obtain the

1 September 7, 2005 writ of restitution that was used without notice or service of process to evict the
2 Stones, September 8, 2005.

3 100. On January 17, 2007, the Stones' filed a "Motion for Summary Judgment".

4 101. The Stones' motion for summary judgment gave evidence to Judge Robert Houser that
5 the August 10, 2005, judgment of restitution was void and that Hardings knew the same and
6 intentionally used the void August 10, 2005, judgment of restitution to unlawfully evict and rob
7 them.

8 102. On May 17, 2007, defendants Hardings, Clark and Henderson filed their "Motion for
9 Summary Judgment" and claimed that defendant federal Judges McNamee and Bury had already
10 adjudicated the Stones' claims and that the doctrine of res judicata applied.

11 103. The Stones filed their response to Harding's motion for summary judgment, which set-
12 forth facts and law that the defendants' defense of res judicata was frivolous and could not apply
13 when the underlying August 10, 2005, judgment of restitution was void and the court lacked
14 jurisdiction, because proper notice or service of process was not perfected by Harding.
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16 104. The Stones also gave Judge Houser evidence that Judges McNamee and Bury both set-
17 forth in their orders that they had no jurisdiction to adjudicate the forcible detainer action.

18 105. On August 28, 2007, Judge Robert Houser ignored the substantive documentary
19 evidence and executed an order granting Harding's motion for summary judgment based on defense
20 of res judicata .and denied the Stones' motion for summary judgment based on the fact that the
21 August 10, 2005 judgment of restitution was void.

22 106. Judge Houser lacked jurisdiction and authority of law to render the order validating the
23 void August 10, 2005 judgment of restitution now vacated and violated the Stones' and their
24 creditors' substantive constitutional and statutory rights.
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1 107. The Stones' timely appealed Judge Houser's order to the Arizona Court of Appeals;
2 however, as matter of law, Judge McMurdie's December 12, 2008 order and Judge Haworth's June
3 20, 2008 order deem Judge Houser's August 28, 2007 order, void

4 **Judge Gary Handley and Pro Tem Judge William Schafer**

5 108. Manistee Justice Court case CC2007-176431 with presiding Justice of the Peace was
6 removed from Peoria Justice Court/Lake Pleasant, Justice of the Peace Lex Anderson/John Keegan
7 case CV05-03485fd

8 109. On August 29, 2007, the Stones' filed with Judge Gary Handley with the Maricopa
9 County Manistee Justice Court a post-judgment "Motion to Vacate Judge Anderson's September 7,
10 2005, Writ of Restitution", for lack of jurisdiction, pursuant to ARCP, Rule 60(c).

11 110. The Stones provided copies of the record before Judge Handley that evidenced that
12 Harding used the void August 10, 2005 judgment of restitution now vacated, to procure the
13 September 7, 2005 writ of restitution.

14 111. The record before Judge Handley also evidenced that the August 10, 2005, judgment
15 of restitution was issued at the same time as the writ that had already been vacated by Justice of the
16 Peace Lex Anderson, August 11, 2005, because the bankruptcy automatic stay was in effect.

17 112. The record before Judge Handley provided no evidence that the Hardings noticed or
18 provided service of process after the stay was lifted, September 6, 2005.

19 113. On September 11, 2007, Judge Handley denied the Stones' "Motion to Vacate the
20 September 7, 2005, Writ of Restitution", for lack of jurisdiction.

21 114. Judge Handley had no jurisdiction or authority of law to deny the motion to vacate the
22 September 7, 2005, writ of restitution because the underlying August 10, 2005, judgment of
23 restitution was void for lack of jurisdiction.
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1 122. The core issue of the Stones' complaint was that substantive rights were violated as the
2 result of the execution of and the reliance on the void August 10, 2005 judgment of restitution that
3 is now vacated, which caused irreparable injuries to the Stones.

4 123. On September 21, 2007, upon the request of the defendants in the case, CV2007-
5 052216, the case was removed from the Superior Court to the Phoenix Federal District Court, Case
6 No.: CV07-1801 and on October 4, 2007, the case was assigned to Judge Mary H. Murguia.

7 124. On June 30, 2008, the Stones' filed a "Motion Requesting Court to take Judicial Notice
8 of Judge Haworth's June 20, 2008 order, and attached a copy of the order vacating the August 10,
9 2005, judgment of restitution, for lack of jurisdiction.

10 125. On September 29, 2008, Judge Mary H. Murguia executed the order dismissing the
11 Stones' and other plaintiffs' complaint with prejudice because the August 10, 2005 judgment of
12 restitution had been reinstated by Judge Fletcher.

13 126. Judge Murguia lacked jurisdiction and authority of law to validate the void August 4,
14 2005, forcible detainer hearing and the subsequent August 10, 2005, judgment of restitution.

15 127. Judge Murguia claimed in her September 29, 2008, order, that Judge McNamee and
16 Judge Bury had already adjudicated the issues related to the August 4, 2005 forcible detainer
17 hearing and subsequent void August 10, 2005 judgment of restitution now vacated.
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19 128. Judge Murguia's participation in the conspiracy to deprive the Stones and defraud their
20 creditor is evidenced in her order proving: (a) she disregarded the fact of law and practice that the
21 termination of the bankruptcy automatic stay does not automatically confer jurisdiction to the non-
22 bankruptcy courts, without first adhering to constitutional and statutory provisions of law for due
23 process, (b) she disregarded the fact that the issue before her was a state issue for which she, Bury
24 and McNamee had no jurisdiction; (c) Judge Murguia refused to recognize Judge Haworth's June
25 20, 2008 order that vacated and destroyed the August 10, 2005 judgment of restitution, (d) also

1 disregarded Judge Anderson's August 11, 2005 order that vacated the August 10, 2005 writ of
2 restitution; and (e) usurped power, misconstrued the facts and misapplied the law, to validate the
3 void now vacated judgment of restitution to fraudulently transfer the Stones' property rights.

4 129. By ignoring the record pertaining to the core issue that the forcible detainer action
5 ensued without jurisdiction of the court, Judge Murguia stepped out of her official position when
6 she aided and abetted the conspiracy to block access to the courts.

7 130. Judge Murguia ordered the clerk of the court to enter her order in the record of the
8 courts and send a copy of the order to all the federal judges in the district and Judge Marlar to
9 specifically block the Stones from continuing to pursue their property rights that had been
10 fraudulently transferred by Judge Fletcher, who, just as Judge Murguia validated the void now
11 vacated August 10, 2005 judgment of restitution and disregarded the crimes regarding it.

12 131. As a matter of law, Judge Paul McMurdie's December 12, 2008 order and Judge
13 Haworth's June 20, 2008 order deem Judge Murguia's September 29, 2008 order, void

14 **Court of Appeals Judges Maurice Portley, Jon Thompson, and Edward Burke**

15
16 Court of Appeals case # 1 CA-CV2006-07-0770

17 132. The Stones perfected their appeal of Superior Court Judge Robert Houser's order for
18 Superior Court case #CV2006-050748, presenting the Court of Appeals with the record of the case
19 and supporting case law that provide that res judicata could not apply to a void order where the
20 court lacked of jurisdiction.

21 133. On June 20, 2005, Pro Tem Justice of the Peace Richard Haworth granted the Stones'
22 post-judgment motion to vacate the void August 10, 2005 judgment of restitution.

23 134. On July 8, 2008, to support the Stones' appeal based on the invalidity of the forcible
24 detainer action, the Stones filed a Judicial Notice informing the court of Judge Haworth's June 20,
25 2008 post-judgment order, which vacated and destroyed the August 10, 2005 judgment of

1 restitution, attached a copy of the order to the notice, and asked the court to remand the case back to
2 Judge Houser.

3 135. On August 7, 2008, Arizona Court of Appeals Judge Maurice Portley issued the order
4 stating that he had reviewed Judge Haworth's order vacating the August 10, 2005 judgment of
5 restitution and that the core issue of the Stones' appeal from Judge Houser's order was whether or
6 not forcible detainer action was valid.

7 136. On August 7, 2008, Judge Portley denied the Stones' motion to take judicial notice and
8 disregarded the June 20, 2008 order vacating the August 10, 2005 judgment of restitution, as void
9 for lack of jurisdiction, and denied the Stones' motion to remand.

10 137. On September 2, 2008, Arizona Court of Appeals Judges Maurice Portley, Jon
11 Thompson, and Edward Burke, reviewed the appeal briefs of the Stones' and Appellees' Hardings,
12 Clark, and Henderson, and took their decision under advisement.

13 138. On November 4, 2008, Arizona Court of Appeals Judges Portley, Thompson, and
14 Burke, usurped judicial power, misconstrued substantive documentary evidence, misapplied the law
15 to issue their order affirming Judge Houser's August 28, 2007 order based on res judicata.
16

17 139. Judges Portley, Thompson, and Burke set-forth a new defense, "that automatic stay was
18 retroactive", when Harding had never used the term in any proceedings as a defense or authority to
19 take the Stones' property. However, they opinioned that Judge Marlar's September 6, 2005 order
20 lifting the automatic stay could have been retroactive.

21 140. The Hardings' August 12, 2005, emergency motion to lift the automatic stay requested
22 only that the Judge Marlar terminate and or modify the stay not annul it.

23 141. They knew that Judge Marlar's order could not and was not retroactive. They knew
24 that the Stones' right and interest to the vested right was absolute, and that the U.S. Supreme Court
25 and Ninth Circuit Appellate Court have made rulings that once a person has obeyed and adhered to

1 the automatic stay protection no court is authorized to issue an order retroactive once the person has
2 a vested right.

3 142. Furthermore, Portley, Thompson, and Burke, had no jurisdiction or authority to modify
4 Judge Marlar's order, which clearly sets-forth the fact that Judge Marlar terminated the stay and did
5 not annul the stay, they have two completely different meanings.

6 143. Because Judges Portley, Thompson, and Burke lacked jurisdiction and authority of
7 law, their order is deemed a fraudulently transfer of the Stones' property rights, by executing on the
8 void judgment that has been vacated.

9 144. As a matter of law, Judge McMurdie's December 12, 2008 order and Judge Haworth's
10 June 20, 2008 order deem Judges Portley, Burke and Thompson November 4, 2008 order, void

11 **Pro Tem Justices of the Peace Richard Haworth and David Fletcher**

12 Manistee Justice Court case #CC2007-176431

13 145. Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1
14 through 144 above as more fully set forth herein.

15 146. On June 6, 2008, plaintiffs' John and Shirley Stone filed with the Maricopa County
16 Manistee Justice Court a post-judgment motion pursuant to ARCP, Rule 60(c), to vacate the void
17 August 10, 2005 judgment of restitution for lack jurisdiction, that was issued against the Stones and
18 in favor of Harding(s) by Peoria Justice of the Peace Lex Anderson, before the bankruptcy stay was
19 lifted, September 6, 2005.

20 147. On June 20, 2008, Maricopa County Manistee Pro Tempore Justice of the Peace
21 Richard Haworth executed the order granting the Stones' motion to vacate the August 10, 2005,
22 judgment of restitution as void for lack of jurisdiction.
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1 148. Judge Haworth had no discretion and as a matter of law had to vacate the August 10,
2 2005, judgment of restitution, just as Judge Anderson vacated the writ of restitution that was
3 rendered the same day.

4 149. On July 2, 2008, Harding's attorneys filed a motion for reconsideration and on July 8,
5 2008, without jurisdiction and authority of law, Judge Haworth agreed to retry the case for
6 Harding's motion for reconsideration.

7 150. Judge Haworth abused the process by setting the hearing for oral arguments to
8 reinstate the void judgment of restitution that had been vacated and completely destroyed, and had
9 no authority of law to reconsider the post-judgment order, when the court never had jurisdiction.

10 151. On July 14, 2008, Judge Haworth ordered the Stones to attend a hearing to reconsider
11 his order granting their motion their motion to vacate the August 10, 2005, judgment of restitution
12 as void for lack of jurisdiction.

13 152. Judge Haworth reviewed the entire record in Case No. CC2007-176431 and found that
14 the Hardings were creditors of the Stones' bankruptcy estate and were represented by attorneys
15 Scott M. Clark and Paul A. Henderson.

16 153. Upon review of the record, Judge Haworth found that Judge Anderson, the Hardings,
17 Clark and Henderson were all served notice of the bankruptcy prior to the August 4, 2005, forcible
18 detainer hearing.

19 154. Judge Haworth also found evidence in the record that Hardings, Clark and Henderson
20 did not acquire valid forcible detainer judgment prior to acquiring the September 7, 2005, writ of
21 restitution, which violated Arizona State law.

22 155. On July 21, 2008, the Stones' filed a motion with the Manistee court to recuse Judge
23 Haworth, and a motion to vacate the hearing Judge Haworth scheduled for August 13, 2008.
24
25

1 163. During the 341 meeting Maney told Stone that he did not believe him regarding the
2 wrongs that were committed against him during the recent bankruptcy and that Judge Marlar had
3 already told him that he, and not Maney were looking to dismiss Stone’s chapter 13 with prejudice
4 and block him from coming back.

5 164. Trustee Maney’s comments, disposition, and conduct during the creditors give reasons
6 to believe that he as joined the conspiracy at the command of Judge Marlar and will not treat the
7 debtor and administrate his bankruptcy estate fairly; as such, is defrauding the chapter 13 creditors,
8 which give rise to the injunctive relief sought by the debtor.

9 **SCHEME TO COMMIT BANKRUPTCY FRAUD IMPLICATES RICO**

10 165. Judge McMurdie’s December 12, 2008 special action order, removed the August 13,
11 2008 fraudulent transfer order concealing the Stones’ property rights and ruled that Judge Fletcher
12 had no jurisdiction and authority of law to reinstate the void August 10, 2005 judgment of
13 restitution that Judge Haworth had vacated and destroyed, June 20, 2008.

14 160. Case law provides that, “To ‘vacate’ a judgment is to nullify or cancel it. A judgment
15 that has been vacated is void. It is entirely destroyed. The vacatur restores the parties to the “status
16 quo ante”, as though the trial court judgment had never been entered. *Standard Life Assn. v. Merrill,*
17 *75 P.2d 825, 827 (Ks. 1938)*; therefore, the Stones’ “status quo ante”, in accordance to Judge
18 McMurdie’s order, placed the Stone back to Judge Haworth’s order, June 20, 2008.

19 20 161. Judge Haworth’s June 20, 2008 post-judgment order vacated and destroyed as void for
21 lack of jurisdiction the August 10, 2005 judgment of restitution.

22 162. Case law provides that, “The general rule is that when an order or judgment is vacated,
23 the previously existing “status” is restored and the situation is the same as though the order or
24 judgment had never been made. The matters in controversy are left open for future determination.”
25 *Morris v. Morris, 10 S.W.2d 277, 279 (Ky. 1928)*; accordingly, the Stones’ “status quo ante”

1 pursuant to established case law and Judge Haworth's order dates back to August 2, 2005, at the
2 time of the filing of their bankruptcy.

3 162. However, the Stones, their bankruptcy estate and non-debtor third parties have not been
4 restored to their previous situation, on August 2, 2005, because they were robbed of property and
5 property rights by the usurpation of power, abuse of process, deprivations of rights, and malicious
6 prosecution, which supports the allegations of a pattern and practice of racketeering.

7 163. One act of bankruptcy implicates RICO. The bankruptcy code pursuant to 18 U.S.C.
8 §§ 152 and 157 was and still is being violated by each defendant. The defendants clearly
9 committed bankruptcy fraud when they made representations and executed orders claiming that the
10 August 10, 2005, judgment of restitution was valid. Since, as a matter of fact, the void judgment of
11 restitution was executed when the bankruptcy stay was in effect and was used to procure the lift the
12 stay order and the writ of restitution to unlawfully evict the debtors in possession and wrongfully
13 take their bankruptcy estate property.

14 164. As a matter of law and fact, no court whatsoever had any jurisdiction over the Stones
15 regarding the August 4, 2005 forcible detainer hearing and the resulting August 10, 2005 judgment
16 of restitution and August 10, 2005 writ of restitution that issued by Judge Anderson .

17 165. All the defendant judges named in this action took jurisdiction where they had none,
18 and since as a matter of law and in accordance with Judges McMurdie and Judge Haworth's orders,
19 the lower court never lawfully acquired jurisdiction, therefore all subsequent orders regarding or
20 connected to the August 4, 2005 forcible detainer hearing are void.

21 166. Because of the defendants' knowledge, conduct, and use of official position, pursuant
22 to 18 U.S.C. §§ 157 and 152, they are defined as "a person", and that prior to "their acts, material
23 statements, declarations, certifications, verifications, and filings with the Court and other agencies",
24 that "they knew of the existence of the Stones' chapter 11 bankruptcy".
25

1 167. In continued furtherance of the defendants' scheme, they caused to be mailed and filed
2 with the courts false pleadings and void court orders. Each defendant judge followed each other
3 with the agreement that they would act under color of state and or federal law in using their official
4 positions to usurp power to specifically deprive the Stones and creditors of substantive and
5 procedural due process, access to court, equal protection under the law, and property rights pursuant
6 to the first, and fourteenth amendments of the U.S. Constitution.

7 168. Defendants Hardings and attorneys Boyle, Scott M. Clark, and Paul A. Henderson
8 knowingly and with the intent to defraud, filed numerous false pleadings in the courts, as referred to
9 herein, to conceal the fact that the August 10, 2005, judgment of restitution was void, and that they
10 used that void order to assault and rob the Stones, the bankruptcy estate, and third parties.

11 169. All of the defendants committed predicate acts while conducting business in the
12 enterprise of the Arizona State Court System.
13

14
15 **CIVIL RIGHTS VIOLATION PURSUANT TO 42 U.S.C. §§ 1983-1986**

16 170. The defendants conduct is brutal, egregious, an official abuse of authority, and a major
17 shock to the conscience.

18 171. All of the defendants acted jointly and severally and were participating moving force
19 behind the violations and deprivations of the Stones' federal and state civil rights. The defendants
20 acted in concert to block the Stones' access to the court(s) and law enforcement agencies to conceal
21 that the eviction and taking of property, were committed without lawful authority.

22 172. The Judges agreed to and did act under the color of state, bankruptcy, and federal law,
23 to execute void orders to specifically conceal, although the facts were not hidden, that the August
24 10, 2005, judgment of restitution was void as a matter of law for lack of jurisdiction.
25

1 173. On September 8, 2005, the Stones' were assaulted, unlawfully evicted, and property
2 wrongfully taken from them, without due process of law. Then all the defendants acted in concert
3 in repeating the civil rights violations by assaulting the Stones, blocking their access, and robbing
4 them of their causes of action and compounded their crimes against the Stones, their bankruptcy
5 estates, and the other third parties that were injured.

6 174. The defendant judges and attorneys acted in bad faith and maliciously with depraved
7 indifference. The judges willfully and wantonly abused the legal process while acting without
8 jurisdiction and authority of law, and are guilty of malfeasance and contempt for disregarding the
9 Stones' fundamental civil rights, court orders, bankruptcy, federal, and state statutes, laws, rules,
10 and procedures.

11 175. The defendants agreed to violate 42 U.S.C. §§ 1985 and 1986 by conspiring with one
12 another to further the Stones' injuries and not stop or prevent the furtherance of those injuries. The
13 defendants' wrongful acts continue to cause the Stones an extreme level of emotional distress that is
14 unbearable and that no one should have to be subjected to. The defendants continue to unjustly
15 defame the Stones and subject them to ridicule and hatred. The defendants also continue to jointly
16 and severally destroy the Stones' businesses, bank accounts, and welfare.

17
18 **FRAUDULENT TRANSFERS, TRESPASS, AND BAD FAITH LITIGATION**

19 **PURSUANT TO 11 U.S.C. §§ 541-549 AND A.R.S. §§ 44-1001-1010**

20 176. "Status quo ante" is a Latin term meaning, "the way things were before". Incorporating
21 the term's relevancy to this case, the Stones' bring this action in their respective positions as John
22 Stone chapter 13 debtor in possession and Shirley Stone as party in interest and as chapter 11 (DIP)
23 debtors in possession, to avoid the transfers, and or conveyances, and or preferences, that were
24 made by the defendant judges to defendants Hardings, Clark, Henderson, Boyle, and the unknown
25 John and Jane Does.

1 177. The transfers include but are not limited to, the Stones' lawsuit in Federal District
2 Court Case No. CV07-1801, that was dismissed by Judge Murguia on September 29, 2008, the
3 Stones' appeal in the Arizona Court of Appeals Case No. 1 CA-CV07-0770, that was denied by
4 Judges Portley, Thompson, and Burke, on November 4, 2008, the Stones' lawsuit in Maricopa
5 County Superior Court Case No. CV06-050748, that was gotten rid of by Judge Houser on August
6 28, 2007, the Stones' lawsuit in Federal District Court Case No. CV05-2626, that was dismissed by
7 Judge Bury on December 20, 2005, and on February 3, 2006, and the Stones' exempt property, non-
8 exempt property, and property of third parties.

9 178. All of transfers occurred when the Stones were insolvent.

10 **COUNTS ONE**

11 **BANKRUPTCY FRAUD, DEFRAUDING CREDITORS, AND RICO**

12 179. Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1
13 through 178 above as more fully set forth herein.

14 180. In this action the RICO enterprise consists of the group of defendants working in the
15 enterprise of the Arizona Court System.

16 181. For purposes of executing and continuing to execute the aforesaid schemes to defraud,
17 the defendants repeatedly caused false pleadings and court orders to be delivered by the United
18 States Postal Service to and from this district and elsewhere, in repeated violation of 18 U.S.C. §
19 1341 (mail fraud) 18 U.S.C. §§ 157 and 152 (bankruptcy fraud and concealment). These mailings
20 include but are not limited to the false pleadings of defendants Hardings, Clark, Henderson, and
21 Boyle, and court orders of each defendant judge as referred to herein.

22 182. For purposes of executing and continuing to execute the previously mentioned
23 schemes to defraud, the defendants repeatedly caused false pleadings and court orders to be entered
24 in bankruptcy, federal and state court records. The filings of these false pleadings and court orders
25

1 include but are not limited to the false pleadings of defendants Hardings, Clark, Henderson, and
2 Boyle, and court orders of each defendant judge as referred to herein.

3 183. Upon information and belief, for the purpose of executing and continuing to execute
4 the aforesaid schemes to defraud, the defendants repeatedly caused to be made and made in state
5 and interstate telephone calls and other uses of in state and interstate wire facilities to, from and in
6 this district and elsewhere, in repeated violation of 18 U.S.C. § 1343 (wire fraud).

7 184. Each of the aforesaid violations by the defendants of the mail fraud and wire fraud
8 statutes, 18 U.S.C. §§ 1341 and 1343, and bankruptcy fraud and concealment statutes 18 U.S.C.
9 §§157 and 152, constitutes an instance of “racketeering activity” defined in 18 U.S.C. § 961(1),
10 and bankruptcy fraud and concealment.

11 185. The multiple acts of racketeering activity by the defendants, were interrelated, part of a
12 common and continuous pattern of fraudulent schemes, and perpetrated for the same or similar
13 purposes, thus constituting a “pattern of racketeering activity” as defined in 18 U.S.C. §. 1961(5).

14 186. By reason of the aforementioned circumstances, transactions, and events, the
15 defendants unlawfully, willfully, and knowingly maintained, directly and indirectly, an interest in
16 and control of the bankruptcy court, federal and Arizona state courts as referred to herein, through a
17 pattern of racketeering activity, in violation of 18 U.S.C. § 1962(b). In so doing, the defendants
18 deceived bankruptcy, federal, and state authorities, undermined bankruptcy, federal, and state
19 regulations designed to protect the public interest, and unfairly injured the Stones’ personally, their
20 businesses and clients, creditors, and others. The defendants caused this unjust ordeal to go on for
21 over three years and still counting.
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24
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COUNT TWO

1
2 186. Plaintiffs’ reallege and incorporate by reference Paragraphs 1 through 186, as if fully
3 stated herein.

4 187. By reason of the aforementioned circumstances, transactions, and events, the
5 defendants along with John and Jane Does, unlawfully, willfully, and knowingly conducted in
6 participated, directly and indirectly, in the conduct of the affairs of the bankruptcy, federal, and state
7 courts through a pattern of racketeering activity, in violation of 18 U.S.C. sub. 1962(c). In so doing,
8 the defendants deceived bankruptcy, federal, and state authorities, undermined bankruptcy, federal,
9 and state regulations designed to protect the public interest, and unfairly injured the Stones’
10 personally, their businesses and clients, creditors, and others. The defendants caused this unjust
11 ordeal to go on for over three years and still counting.

COUNT THREE

RICO CONSPIRACY, AIDING AND ABETTING AND

CONSPIRACY TO COMMIT BANKRUPTCY FRAUD

13
14
15
16 184. Plaintiffs’ reallege and incorporate by reference Paragraphs 1 through 187 as if fully
17 stated herein.

18 185. By reason of the aforementioned circumstances, transactions and events, the
19 defendants along with John and Jane Does, unlawfully, willfully, and knowingly conspired and
20 continue to conspire to violate the provisions of 18 U.S.C. §§ 157 and 152 and 18 U.S.C. §§ 1962(b)
21 and 1962(c), in violation of 18 U.S.C. § 1962(d). In so doing, the defendants have deceived
22 bankruptcy, federal, and state authorities, undermined bankruptcy, federal, and state regulations
23 designed to protect the public interest, and unfairly injured the Stones’ personally, their businesses
24 and clients, creditors, and others. The defendants caused this unjust ordeal to go on for over three
25 years and still counting and have caused John Stone to file this chapter 13 bankruptcy.

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COUNT FOUR

ABUSE OF THE LEGAL PROCESS AND MALFEASANCE

186. Plaintiffs’ reallege and incorporate by reference Paragraphs 1through 185 as if fully stated herein.

187. By reason of the aforementioned circumstances, transactions, and events, the defendant judges unlawfully, willfully, and knowingly abused the legal process by acting without jurisdiction and authority of law. They omitted their duty to vacate the August 10, 2005, judgment of restitution as void for lack of jurisdiction. In so doing, they disregarded the bankruptcy automatic stay, the Arizona State landlord tenant act, bankruptcy, federal and state statutes, laws, rules and procedures. They have deceived bankruptcy, federal, and state authorities, undermined bankruptcy, federal, and state regulations designed to protect the public interest, and unfairly injured the Stones’ personally, their businesses and clients, creditors, and others. The defendants caused this unjust ordeal to go on for over three years and still counting and have caused John Stone to file this chapter 13 bankruptcy.

COUNT FIVE

**DEPRIVATIONS OF CIVIL RIGHTS, DEFAMATION,
AND EMOTIONAL DISTRESS PURSUANT TO 42 U.S.C. §§ 1983-1986**

188. Plaintiffs’ reallege and incorporate by reference Paragraphs 1through 187 as if fully stated herein.

189. By reason of the aforementioned circumstances, transactions, and events, the defendants jointly and severally subjected the Stones to the deprivation of their civil rights. They unlawfully, willfully, and knowingly continue to violate 42 U.S.C. §§ 1983-1986. In so doing, the defendants have deceived bankruptcy, federal, and state authorities, undermined bankruptcy, federal, and state regulations designed to protect the public interest, and unfairly injured the Stones’

1 personally, their businesses and clients, creditors, and others. The defendants caused this unjust
2 ordeal to go on for over three years and still counting and have caused John Stone to file this
3 chapter 13 bankruptcy.

4
5 **COUNT SIX**

6 **AVOIDANCE OF FRAUDULENT TRANSFERS,**
7 **DAMAGES FROM WILLFUL VIOLATIONS OF AUTOMATIC STAY,**
8 **INTERFERENCE WITH BUSINESS AND PROSPECTIVE BUSINESS**

9 190. Plaintiffs' reallege and incorporate by reference Paragraphs 1 through 189 as if fully
10 stated herein.

11 191. By reason of the aforementioned circumstances, transactions, and events, the
12 defendants jointly and severally fraudulently transferred, and or conveyed, and or preference, the
13 Stones' exempt property, non-exempt property of the bankruptcy estate, and third parties property
14 in violation of 11 U.S.C. §§ 544-549 and A.R.S. §§ 44-1001-1010. The defendants willfully
15 violated the automatic stay in violation of 11 U.S.C. §§ 362(h). In so doing, the defendants have
16 deceived bankruptcy, federal, and state authorities, undermined bankruptcy, federal, and state
17 regulations designed to protect the public interest, and unfairly injured the Stones' personally, their
18 businesses and clients, creditors, and others. The defendants caused this unjust ordeal to go on for
19 over three years and still counting and have caused John Stone to file this chapter 13 bankruptcy.
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PRAYER FOR RELIEF

1 WHEREFORE, Plaintiffs' pray for relief and judgment against the defendants jointly and
2 severally as follows:
3

4 (A) As to defendants, Chapter 13 Trustee Edward Maney and Judge James Marlar, the
5 chapter 13 debtor in possession request an order enjoining trustee Maney and Judge James Marlar
6 from engaging in any additional unlawful acts, including contravening acts to the Bankruptcy Code
7 and official duties.

8 (B) As to the fraudulent transfer of property rights, chapter 11 debtors in possession request
9 an order to avoid, vacate or set aside Judge Murguia's September 29, 2008 as void for lack of
10 jurisdiction as well as the Arizona Court of Appeals' November 4, 2008 order and Judge Houser's
11 August 28, 2007 order, and all other court orders that were rendered after August 2, 2005 pertaining
12 to and surrounding the above aforementioned forcible detainer action.

13 (C) As to the above aforementioned cases for which the void orders where rendered without
14 jurisdiction, an order granting the damages requested in the Superior Court Case No. CV06-050748,
15 in the amount of \$30,000,000.00 and Federal District Court Case No. CV07-1801, in the amount of
16 \$300,000,000.00 for a combined amount of \$330,000,000.00, which include: (1) lost property
17 (household goods, furnishing, appliances clothing, and business equipment, and business
18 consumables), (2) lost earnings, (3) lost assets (interest in causes of actions in litigation), (4) for the
19 unlawful activities instituted against the plaintiffs, and (5) for the infliction of emotional distress up
20 to the filing of the Superior court case CV06-050748; or in the alternative set trial by jury to
21 determine the damages.
22

23 (D) As to all of the counts in this complaint, an award of threefold, treble, damages suffered,
24 plus interest, in an amount of \$20,000,000.00, to deter defendants and others from engaging in
25 unlawful activities.

1 (E) An award of costs of this suit, including reasonable attorney fees and any other
2 associated costs, for an amount to be determined by the court.

3 (F) An award of Punitive damages in the amount of \$10,000,000.00, to deter defendants and
4 others from engaging in the unconstitutional and unlawful activities.

5 (G) With the exception of the ministerial mandatory duty to vacate void orders pursuant to
6 Rule 60(b), lack of jurisdiction, the plaintiffs further demand a jury trial for all issues so triable in
7 this cause of action.

8 Respectively submitted this 15th day of January 2009.

9
10 By: _____ and _____
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13 Peoria, AZ 85382 Peoria, AZ 85382
Debtor/Pro se & DIP Pro Se, Party in Interest & DIP
623-330-1506 623-444-2389