

1 John W. Stone, et al
2 Pro per

3 COURT OF APPEALS

4 STATE OF ARIZONA, DIVISION ONE

5 Shirley D. Stone and John W. Stone
6 Appellants/Plaintiffs,

7 vs.

8 Kent and Christina Harding, Law Offices of
9 Scott M. Clark, Scott M. Clark and Paul A.
10 Henderson

11 Appellees/Defendants

Court of Appeals Division One –
Case No. 1 CA-CV 07-0770

Maricopa County Superior Court
Case No. CV2006-050748

APPELLANTS' EMERGENCY
MOTION FOR JUSTICE, IN THE
INTEREST OF JUSTICE TO PREVENT
THE FURTHERANCE OF A
MISCARRIAGE OF JUSTICE AND A
MATTER OF LIFE AND DEATH

12
13 Comes Now, Appellants' Emergency Motion for Justice, in the interest of justice
14 to prevent the furtherance of a miscarriage of justice, and a matter of life and death.

15 The appellants' are pleading with this Court to follow the law in rendering its
16 decision and this motion is relevant and material to this case.

17 Stone's clients claim that the appellees are contacting them and telling them that
18 **they have been assured that this Court will rule in their favor,** and that they know
19 that the appellants are broke and have no intentions of performing on contracts or
20 refunding them for their loss now or in the future.

21 The appellant John Stone has been contacted by his clients and told that the
22 appellees', attorneys Scott M. Clark and Paul A. Henderson, have contacted them
23 offering gifts and coercing and inducing them into filing charges against the appellant in
24 hopes to inflame them and cause grave harm to the appellants.

25 The appellees are giving the clients and others the appellants' home address and

1 phone number with the hope that they will severely harm the appellants.

2 Stone has been warned by his clients, that appellees Clark and Henderson want
3 blood and are out to get rid of him by whatever means possible.

4 Since September 8, 2005, the appellees have been allowed to influence law
5 enforcement and the courts to escape prosecution through the unlawful selective
6 prosecution standard.

7 The appellants and their family are not safe in Arizona. **See *Bergman v. United***
8 ***States 565 F.Supp. 1353* throughout.**

9 As with the Bergman case and the statewide conspiracy against the **“Freedom**
10 **Riders”**, the Appellants were and still are owed a duty from law enforcement to address,
11 arrest, and prosecute those involved in violating the appellants’ civil rights as per title **28**
12 **U.S.C. § 533, 18 U.S.C.A. § 3057, and other state and federal statutes, laws, rules,**
13 **and procedures.**

14 Had law enforcement acted lawfully and performed their mandatory duty when
15 they were apprised of the September 8, 2005, armed robbery and aggravated assault the
16 appellees would have been prosecuted and the injuries that the appellants and Stone’s
17 clients have sustained would not have occurred.

18 The appellants and Stone’s clients are somewhat shocked to see civil landlord
19 tenant attorneys embroiled in criminal justice and corruptly interfering in Stone’s
20 business affairs.

21 The appellees, as officers of the Court and in this “pending” proceeding before this
22 Court, are in gross violations of Supreme Court Rules of Professional Conduct, Arizona
23 Rules of Civil Procedure, and other State and Federal rules, procedures, statutes, and
24 laws.

25 The law forbids unjustifiable interference with anyone’s right to pursue his lawful

1 business or occupation and to secure to himself the earnings of his industry. *Wellington*
2 *Systems, Inc. v. Redding Group, Inc.*, 49 Conn.App. 152, 714 A.2d 21 (1998).

3 Whatever promises or contacts that may or may not have been made involving
4 Stone and his clients is a matter between Stone and his clients, and the fact that the
5 attorneys Clark and Henderson are instigating, fomenting, and defaming Stone to make
6 his representations to his clients appear to be criminal is crime in and of itself.

7 Stone's intentions have always been to perform on his contractual agreements and
8 the fact that he has been forced to sacrifice his business responsibilities and other things
9 to pursue justice is not a crime no matter how the appellees twist it.

10 The appellees are involved with the unlawful purpose of building a smoke screen
11 to conceal their crimes that, as a matter of law, are the cause in fact and proximate cause
12 of the injuries and possible furtherance of those injuries to Stone's clients.

13 The Court record in this case proves irrefutably that the appellees' used the August
14 10, 2005, "void" (FED) judgment of restitution to procure the September 7, 2005, order
15 of writ of restitution. That the appellees then used the void (FED) judgment of restitution
16 on September 8, 2005, to unlawfully evict the appellants and take, and eventually,
17 destroy the appellants' property.

18 As a matter of law the appellees' actions constitutes armed robbery and numerous
19 crimes committed since the armed robbery to cover-up the armed robbery. **See exhibit A**
20 **herein, *State v. Bonser, Ariz.App., 623 P.2d 1251, 1252, and *State v Lewis, 121 Ariz.****
21 **155, 589 P.2d 29 (App.1978).**

22 Stone is under enormous duress and physical and mental emotional distress and
23 has been forced to pursue justice, which has resulted in contractual delays and breaches.

24 As stated herein and above, and as a matter of law, the appellees are the cause in
25 fact and proximate cause of the injuries and possible further injuries suffered by the

1 appellants and Stone's clients.

2 The chain of events set in motion by the appellees' crimes committed against the
3 appellants on September 8, 2005, has not been broken.

4 However, on June 20, 2008, Manistee Justice Pro Tempore Richard Haworth issue
5 an order that vacated the August 10, 2005, (FED) judgment of restitution for lack of
6 jurisdiction because the automatic stay pursuant to 11 U.S.C.A. § 362 was in effect.

7 Haworth's order clearly convicts the appellees of the crimes surrounding the
8 September 8, 2005, unlawful eviction and wrongful taking of and destroying the
9 appellants' property which was under bankruptcy protection.

10 The appellants' property rights attached to the order issued by Judge Haworth on
11 June 20, 2008, were corruptly interfered with by the appellees is causing the appellants
12 and Stone's clients further injuries.

13 Judge Lex Anderson issued his order on August 11, 2005, and Judge Haworth
14 issued his order on June 20, 2008, both judges adjudged that the appellants were under
15 bankruptcy stay when the August 4, 2005, (FED) action was held and on August 10,
16 2005, when the (FED) judgment of restitution was issued.

17 As a matter of law no Arizona State or Federal Court has ever had jurisdiction
18 regarding the August 4, 2005, (FED) action and the judgment of restitution that issued on
19 August 10, 2005.

20 WHEREFORE, since this Court does have the authority to control the litigants
21 before it, the appellants are asking this Court to use its just, fair, and equitable authority
22 to address the appellees' misconduct and use its lawful mandate to prevent any further
23 interferences with Stone's clients.

24
25 Respectfully submitted this 4th day of November, 2008.

By: John W. Stone

