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MR
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

IN THE MATTER OF PROHIBITING)
ROBERT EARL KRONCKE FROM)
FILING ANY LAWSUITS IN)
PINAL COUNTY WITHOUT OBTAINING)
PERMISSION FROM THE COURT)

ADMINISTRATIVE ORDER

2010-00 75

Inmates have a right of access to the courts. However, some have seized on the Court's openness and perverted it for purposes that have little to do with obtaining justice. *Acker v. C.S. Chevira*, 188 Ariz. 252, 254 (App. 1977)

A review of litigation in this and other courts discloses certain patterns. Some plaintiffs are obsessive. An obsessive plaintiff concentrates on a particular set of events or set of individuals. Obsessive plaintiffs often use lawsuits as vehicles to vex and harass. Ruling against an obsessive plaintiff are repeatedly followed by motions for reconsideration, appeals, or new lawsuits asserting similar claims against the same or related defendants. See *Jones v. Warden of Stateville Correctional Center*, 918 F Supp. 1142, 1153 (N.D. Ill. 1995).

Some plaintiffs are recreational litigants. A recreational litigant engages in litigation as a pastime and views it as a game or sport. Recreational plaintiffs also often use lawsuits as vehicles to vex and harass. *Id.*

Hallmarks of vexatious litigants are identified in § 391 of the California Code of Civil Procedures. Although not controlling here, this statute is instructive. It defines a "vexatious litigant" as a person who does any of the following: (1) Has commenced or maintained within a seven-year period at least five litigations that have been finally determined adversely to the person; (2) repeatedly attempts to re-litigate an issue after litigation has been finally determined against the person; or (3) repeatedly files unmeritorious motions or pleadings.

The filing of excesses of vexations litigations interferes 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* at 252. 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.

As noted above, inmates have right to access to the courts; however, this right is not without limits. Courts have inherent authority to curb abuse of the Courts' openness. Inherent authority is "defined as such powers as are necessary to the ordinary and efficient exercise of jurisdiction." Acker at 254.

Robert Earl Kroncke is a state prison inmate. After his incarceration in 1994, he began filing civil and special action complaints in Maricopa County. Kroncke is currently litigating multiple lawsuits in this court against governmental entities located in Maricopa County.

The Court makes the following findings:

- Kroncke has multiple filings in this court wherein the defendants are located in Maricopa County.
- Kroncke has been found by Maricopa Superior Court to be a vexatious litigant and has been precluded by Maricopa County Administrative Order No. 2008-134 from filing future lawsuits in Maricopa County.
- Kroncke is filing lawsuits in Pinal County with basically the same issues which were litigated in Maricopa County.
- The lawsuits currently pending before this Court all have defendants not located in Pinal County.
- With full knowledge that such lawsuits are being filing in an improper jurisdiction, Kroncke repeatedly continues to file such actions.
- In the past, Kroncke has shown a clear intent to vex and harass, Kroncke has vindictively sued judges for money damages for those who ruled against him.

The Court **FINDS** Robert Early Kroncke to be a vexatious litigant. The Court may issue an order limited 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 order set out below to be the least restrictive orders that will adequately address Kronicke's established pattern of abuse.

Give all the circumstances, it is ordered as followed:

1. Kroncke may not file, and the Clerk of the court may not accept, any new causes of action after the date of this order without leave of the civil presiding judge or the presiding judge.
2. Kroncke may not file, and the Clerk of the Court may not accept, any new motions or any other documents in any non-criminal case in which judgment concluding the case has been entered without leave of the civil presiding judge or the Presiding Judge.

Any motion for leave to file shall be captioned, "Application Pursuant to Court Order Seeking Leave to File". Kroncke 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 the court may accept subsequent filings in that cause number from Kroncke.

DATED this 16th day of June, 2010.



**HONORABLE ROBERT CARTER OLSON
PRESIDING JUDGE**

Original: Filed with the Clerk of the Superior Court
Copies To: Superior Court Judges
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