

Appendix A

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

GARY T. JOHANSON, et al.,
Plaintiffs/Appellees,

v.

NICK CASAVELLI, et al.,
Defendants/Appellants.

No. 1 CA-CV 21-0207
FILED 2-15-2022

Appeal from the Superior Court in Maricopa County
No. CV2017-055490
The Honorable Sally Schneider Duncan, Judge

AFFIRMED IN PART, VACATED IN PART, AND REMANDED

COUNSEL

Provident Law, PLLC, Scottsdale
By Christopher J. Charles, Bryan L. Eastin
Counsel for Plaintiffs/Appellees

Nicholas Casavelli, Nicolina Castelli, Sun City
Defendants/Appellants

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MEMORANDUM DECISION

Judge James B. Morse Jr. delivered the decision of the Court, in which Presiding Judge Jennifer B. Campbell and Judge Randall M. Howe joined.

MORSE, Judge:

¶1 Nicholas Casavelli and Nicolina Castelli ("Appellants") appeal the superior court's order designating them vexatious litigants. For the following reasons, we affirm the order in part, vacate in part, and remand to the superior court.

FACTS AND PROCEDURAL BACKGROUND

¶2 This case began in 2017 when Gary and Donna Johanson filed suit against Appellants alleging, among other things, financial exploitation of a vulnerable adult in violation of A.R.S. § 46-456, breach of fiduciary duty, constructive fraud, and unjust enrichment. After the initial claim was filed, the Johansons amended their complaint to include additional claims against Appellants. In the interim, Gary Johanson passed away and his estate was substituted into the litigation. Donna Johanson ("Donna") then began acting individually and as personal representative of her husband's estate.

¶3 In November 2020, Donna moved to deem Appellants vexatious litigants. After an evidentiary hearing that Appellants did not attend, the superior court granted the motion and ordered Donna to submit "findings of fact regarding the 'vexatious litigant' finding." Donna submitted proposed findings of fact and conclusions of law, and the superior court adopted them.¹

¶4 In March 2021, Appellants appealed several of the superior court's rulings and orders. Donna moved to dismiss the appeal, claiming

¹ Appellants claim that "the trial court did not make any determination concerning the vexatious litigant order." However, the superior court granted Donna's motion and was free to adopt the proposed findings of fact and conclusions of law "if those findings [were] consistent with the ones that [the court] reach[ed] independently after properly considering the facts." *Elliott v. Elliott*, 165 Ariz. 128, 134 (App. 1990).

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that the issues raised in the notice of appeal were not substantively appealable and the appeal was untimely. After consideration, this Court granted the motion and dismissed the appeal on all issues other than the vexatious-litigant order. As we noted in our order, Appellants timely appealed the vexatious-litigant order. Because we treat such an order as a grant of injunctive relief, we have jurisdiction pursuant to A.R.S. § 12-2101(A)(5)(b). *Madison v. Groseth*, 230 Ariz. 8, 13, ¶ 16 n.8 (App. 2012).

DISCUSSION

¶5 We review an order designating a party a vexatious litigant for an abuse of discretion. See *Flying Diamond Airpark, LLC v. Meienberg*, 215 Ariz. 44, 47, ¶ 9 (App. 2007) (noting a grant of injunctive relief is reviewed for an abuse of discretion).

¶6 Under Arizona law, "the presiding judge of the superior court . . . may designate a pro se litigant a vexatious litigant . . . if the court finds that the pro se litigant engaged in vexatious conduct." A.R.S. § 12-3201(A), (C); see also *Madison*, 230 Ariz. at 14, ¶ 17 (noting a trial court has "inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits"). "Vexatious conduct" includes "[r]epeated filing of court actions solely or primarily for the purpose of harassment," "[u]nreasonably expanding or delaying court proceedings," "actions brought or defended without substantial justification," and "[r]epeated filing of documents or requests for relief that have been the subject of previous rulings by the court in the same litigation." A.R.S. § 12-3201(E)(1). When the court designates a party a vexatious litigant, they "may not file a new pleading, motion or other document without prior leave of the court." A.R.S. § 12-3201(B).

¶7 Vexatious-litigant orders "must be entered sparingly and appropriately." *Madison*, 230 Ariz. at 14, ¶ 17. For a court to impose pre-filing restrictions on a vexatious litigant: (1) the litigant must be given notice and an opportunity to oppose the order, (2) the court must list all cases and motions leading to the vexatious-litigant order, (3) the court must make "substantive findings as to the frivolous or harassing nature of the litigant's actions," and (4) the order "must be narrowly tailored to closely fit the specific vice encountered." *Madison*, 230 Ariz. at 14, ¶ 18 (quoting *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990)). We address each factor in turn.

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I. Notice and Opportunity to Oppose the Vexatious-Litigant Order.

¶8 Appellants claim they were not given notice and an opportunity to oppose the order because the hearing on the vexatious-litigant motion was "held in [their] absence one day prior [to] the official notice date."

¶9 The superior court scheduled an evidentiary hearing to address several pending motions in the case, including the vexatious-litigant motion, for January 28, 2021. At the hearing, Appellants were "neither present nor represented." Appellants acknowledge they received notice of the hearing scheduled for January 28, but argue that the hearing was actually held on January 27. In support of this assertion, Appellants point to the superior court's minute entry regarding the hearing that was originally dated January 27, 2021, and documents referencing that minute entry and its date of January 27.² However, the superior court later filed a *nunc pro tunc* order correcting and amending the minute entry to reflect the actual date of the hearing on January 28, 2021. Appellants point to no convincing record evidence supporting their contention that the hearing was held on January 27, 2021. In the absence of such evidence, the presumption of regularity controls, and supports the superior court's finding that Appellants were "properly noticed" of the hearing. *See State v. Hyde*, 186 Ariz. 252, 269 (1996) (noting that a defendant must present "sufficient evidence" to overcome the presumption of regularity).

¶10 Further, Appellants received notice of the motion to deem them vexatious litigants and had the opportunity to file a response. They did not do so. After the hearing, the proposed findings of fact and conclusions of law were docketed and Appellants were notified via email and had the opportunity to object. They did not do so. Accordingly, Appellants were given sufficient notice and opportunity to oppose the vexatious-litigant order.

² Appellants also present a phone bill showing an outgoing call on January 28, 2021, and claim that they attempted to call into the hearing at the scheduled time. However, Appellants first filed the phone bill in their notice of appeal and, as a result, we cannot consider it. *See GM Dev. Corp. v. Cmty. Am. Mortg. Corp.*, 165 Ariz. 1, 4 (App. 1990) (stating an "appellate court's review is limited to the record before the trial court").

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II. The Superior Court's Vexatious-Conduct Findings.

¶11 In a proper vexatious-litigant order, the superior court must adequately explain the basis for its determination. *Madison*, 230 Ariz. at 14, ¶ 18. This includes listing the cases and motions leading to the vexatious-litigant order and making "substantive findings as to the frivolous or harassing nature" of the litigant's conduct. *Id.* (quoting *De Long*, 912 F.2d at 1148). The superior court met these requirements.

¶12 The superior court concluded that Appellants had engaged in vexatious conduct as they repeatedly filed court actions "solely or primarily for harassment," unreasonably expanded or delayed court proceedings, brought or defended court actions without substantial justification, and "repeatedly fil[ed] documents or requests for relief that [had] been the subject of previous rulings by the court in the same litigation." In support of its conclusion, the superior court found that Appellants:

"filed at least eight motions seeking to remove Plaintiffs' counsel" that were all denied;

"filed numerous motions alleging forged or falsified documents by Plaintiffs or their counsel" and those allegations were "meritless";

"filed multiple motions for reconsideration," which were all denied;

"twice filed an *Application to Remove Judge for Cause* only days apart" and those applications were "meritless" and "harassing because they sought primarily to delay the *Order to Show Cause Hearing*";

"untimely attempted to strike [the superior court judge] after ruling on multiple issues over a period of months";

"untimely attempted to remove the within case to federal court after two-plus years of litigation in state court";

"walked out of their depositions";

"filed for an *ex-parte* Order of Protection against . . . Gary Johanson . . . [that] was denied";

"three times took an appeal on unappealable rulings";

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"caused the loss of a firm trial setting because their first *Notice of Appeal* of an unappealable order did not resolve in time";

"twice applied for 'Default Judgment' on procedural motions for which judgment of any kind is impermissible";

"improperly filed an Amended Counterclaim . . . without first obtaining leave of Court to do so";

"filed a *Motion to Dismiss* seeking dismissal of all of Plaintiff's claims . . . at a time when the dispositive motion deadline had expired";

"brought a second *Motion to Dismiss* . . . exceeding the limits place[d] on dispositive motions";

"brought several counterclaims in the within case for which they either did not have standing, were barred by an applicable limitations period, or were barred by privilege"; and

"filed a case with the U.S. District Court, District of Arizona . . . seeking to enjoin the within Superior Court case and alleging various constitutional and federal statutory claims" that was dismissed with prejudice.

¶13 These findings exceed a mere recitation of the number of previously filed lawsuits and motions. *Cf. Madison*, 230 Ariz. at 14-15, ¶ 21 (reversing a vexatious-litigant determination when the superior court found plaintiff to be vexatious due to the number of lawsuits filed by plaintiff but did not address the merits of the filings). The record supports the superior court's findings, and it did not abuse its discretion in concluding Appellants had engaged in vexatious conduct and designating them vexatious litigants.

III. Vexatious-Litigant Orders Must be Narrowly Tailored.

¶14 A vexatious-litigant order imposing pre-filing restrictions also "must be narrowly tailored to closely fit the specific vice encountered." *Madison*, 230 Ariz. at 14, ¶ 18 (quoting *De Long*, 912 F.2d at 1148).

¶15 Here, the court ordered that Appellants "are prohibited from filing any new causes of action in any Arizona Court without leave of the Presiding Judge or his/her designee without first furnishing security equal

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to all outstanding unpaid judgments in this matter plus \$10,000.00 in the within case, and security in the amount of \$5,000.00 in any other new litigation that [Appellants] seek to file alleging the same or derivative facts or law." The court further ordered that Appellants are prohibited "from filing any new pleading, motion or other document in any non-criminal case in which judgment concluding the case has been entered without leave of the Presiding Judge or his/her designee."

¶16 In *Madison*, we cited to the federal standards governing vexatious-litigant orders set forth in *De Long v. Hennessey*. *Madison*, 230 Ariz. at 14, ¶ 18. Applying these standards, unpublished decisions of this Court have approved, as narrowly tailored, orders which impose pre-filing restrictions covering the case at issue or the parties involved in the current litigation. See *Marin v. Wilmot Self-Storage, LLC*, 2 CA-CV 2017-0067, 2017 WL 4422410, at *4, ¶ 14 (Ariz. App. Oct. 4, 2017) (mem. decision) (finding a vexatious-litigant order was "narrowly tailored to prohibit claims against these defendants"); *In re Ellen H. Gardner Tr.*, 1 CA-CV 15-0023, 2016 WL 1104855, at *4, ¶ 18 (Ariz. App. Mar. 22, 2016) (mem. decision) (finding a vexatious-litigant order was not narrowly tailored when it "restrict[ed] pre-filing in all cases"). Federal authorities are consistent with this approach. See *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1061 (9th Cir. 2007) (finding an order proper where it "appropriately covers only the type of claims [the litigant] had been filing vexatiously"); *Tyler v. Knowles*, 481 F. App'x 355, 356 (9th Cir. 2012) (finding a vexatious litigant order was not narrowly tailored when it required the litigant to "seek leave of the presiding judge before filing new litigation"); *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 818-19 (4th Cir. 2004) (vacating a pre-filing order that prevented the litigant from making "any and all filings" in the present case and in future unrelated cases without first obtaining permission).

¶17 The superior court's vexatious-conduct findings focus exclusively on Appellants' conduct in their litigation with the Johansons. See *supra* ¶ 12. Therefore, an order prohibiting them from filing "any new causes of action in any Arizona court," even in matters not involving the same plaintiffs or issues involved in the current litigation, is not narrowly tailored to address Appellants' vexatious behavior. As a result, we affirm the pre-filing restrictions in the vexatious-litigant order to the extent they apply to the current case and plaintiffs but vacate the portion of the order as it applies to any broader pre-filing restrictions.

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IV. Attorney's Fees and Costs.

¶18 Appellants request an award of costs incurred on appeal and Donna requests an award of her attorneys' fees, but not costs, incurred on appeal under ARCAP 21(a) and A.R.S. § 12-349(A)(1), (2), (3). In our discretion, we decline both parties' requests.

CONCLUSION

¶19 For the foregoing reasons, we affirm the superior court's designation of Appellants as vexatious litigants and the vexatious-litigant order to the extent that it applies to the current case and plaintiffs but vacate the order with respect to any broader pre-filing restrictions. We remand this case to the superior court to enter an order consistent with this decision.



AMY M. WOOD • Clerk of the Court
FILED: AA

Appendix B

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-055490

01/27/2021

HONORABLE SALLY SCHNEIDER DUNCAN

CLERK OF THE COURT
R. Sheppard
Deputy

GARY T JOHANSON, et al.

v.

NICK CASAVELLI, et al.

NICK CASAVELLI
10124 W IRONWOOD DR
SUN CITY AZ 85351

NICOLINA CASTELLI
10124 W IRONWOOD DR
SUN CITY AZ 85351
BRYAN L EASTIN
JUDGE DUNCAN

MINUTE ENTRY

Prior to the commencement of this evidentiary hearing Plaintiff's exhibits 1 through 14 are marked into evidence.

Courtroom 201 – (OCH)

9:40 a.m. This is the time set for evidentiary hearing. Plaintiff is represented by counsel, Bryan L Eastin. Defendants are neither present nor represented.

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that this is the date and time set for evidentiary hearing on the Defendants' ability to pay attorneys' fees imposed as a sanction. Defendants have failed to

SUPERIOR COURT OF ARIZONA
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CV 2017-055490

01/27/2021

appear and were properly noticed. Counsel has not had contact with the defendants before the commencement of the proceedings.

The Court recognizes the following motions are pending:

1. Defendant's Motion for Clarification that is fully briefed.
2. Defendant's Motion to Dismiss that is not fully briefed.
3. Plaintiff/Counter Defendant's Motion to Dismiss the Defendant's Consumer Fraud Accounting Fraud, Fraud, Breach of Contract, Libel and Slander and Related Expenses Counts of Their Amended Answer and Counter Claim.
4. Defendant's Motion to Dismiss Plaintiff's Fraud on the Court that.
5. Defendant's Motion to Compel.
6. Defendant's Motion for Summary Ruling
7. Plaintiff's Expedited Motion to Compel Production of Documents for October 15, 2020 Order to show Cause Hearing.
8. Plaintiff's Motion to Deem Defendants Nick Casavelli and Noclina Castelli Vexatious Litigants.

Accordingly,

THE COURT FINDS that Plaintiff's Expedited Motion to Compel Production of Documents for October 15, 2020 Order to show Cause Hearing is rendered moot. The Defendants' were given the opportunity to produce and failed to do so. The Defendants' further failed to appear at today's proceedings. Plaintiff's exhibits are entered into evidence and the Court shall proceed.

Plaintiff:

Counsel argues that as it relates to the order to show cause they have established cause. Counsel requests that the Court find that Defendants are capable of paying and impose any additional sanctions the Court deems appropriate.

THE COURT FINDS that the Defendants have failed to show good cause reasons for their failure to pay the Court ordered sanction for attorneys' fees in the amount of \$2368.70.

Accordingly,

IT IS FURTHER ORDERED denying Defendant's Motion for Clarification.

IT IS FURTHER ORDERED denying Defendant's Motion to Dismiss.

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MARICOPA COUNTY

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IT IS FURTHER ORDERED granting Plaintiff/Counter Defendant's Motion to Dismiss the Defendant's Consumer Fraud Accounting Fraud, Fraud, Breach of Contract, Libel and Slander and Related Expenses Counts of Their Amended Answer and Counter Claim.

IT IS FURTHER ORDERED denying Defendant's Motion to Dismiss Plaintiff's Fraud on the Court that.

IT IS FURTHER ORDERED denying Defendant's Motion to Compel.

IT IS FURTHER ORDERED denying Defendant's Motion for Summary Ruling.

IT IS FURTHER ORDERED granting Plaintiff's Motion to Deem Defendants Nick Casavelli and Noclina Castelli Vexatious Litigants.

THE COURT FINDS that there is a significant burden placed on declaring a person a "vexatious litigant". The Court further recognizes that there are statutory findings that need to be made.

Accordingly,

IT IS FURTHER ORDERED that Plaintiff shall submit to the Court a findings of fact regarding the "vexatious litigant" finding no later than **February 16, 2021**.

IT IS FURTHER ORDERED that Plaintiff shall submit an Application for Attorneys' fees no later than **February 8, 2021**.

IT IS FURTHER ORDERED that Plaintiff shall submit a form of judgment on the first award of attorneys' fees no later than **February 8, 2021**.

IT IS FURTHER ORDERED that the deposition of Donna Johanson shall be held virtually due to the COVID pandemic no later than **March 1, 2021**.

IT IS FURTHER ORDERED setting trial setting conference on **March 18, 2021 at 9:00 a.m. (Time allotted: 15 minutes)** in this division via **Microsoft Teams** before:

THE HONORABLE SALLY S. DUNCAN
MARICOPA COUNTY SUPERIOR COURT
125 W. WASHINGTON STREET
SUITE 201
PHOENIX, AZ 85003

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-055490

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Counsel and self-represented parties must verify their email address with the Judicial Assistant, Chrystal Castro at Chrystal.Castro@JBAZMC.Maricopa.Gov and also the Court Assistant, Alicia Arreola at Alicia.Arreola@JBAZMC.Maricopa.Gov two weeks prior to their scheduled hearing.

The Court has recently modified appearance policies to reduce the potential exposure to COVID-19 for staff, the Court, lawyers, parties, and members of the public. These modified policies are regularly updated based on public health guidance and can be found at the Court's COVID-19 Website: (<https://superiorcourt.maricopa.gov/communications-office/covid-19/>).

Until further notice, court proceedings will be conducted telephonically or via Microsoft Teams:

The parties shall appear virtually via Court Connect using Microsoft Teams Meeting. Video appearance (i.e., live use of the camera) is strongly preferred.

Join Microsoft Teams Meeting
tinyurl.com/jbazmc-cvj06

To call into the meeting using your phone:
+1 917-781-4590 United States, New York City (Toll)
Conference ID: 942 024 389#

The Division phone number: 602-506-9042

This is a **15 minute proceeding**. The Court will determine if more time is needed. If there is a failure to appear, the Court may make such orders as are just, including granting the relief requested by the party who does appear.

10:07 a.m. Matter concludes.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

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MARICOPA COUNTY

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Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$20.00 charge. If a CD is requested, please obtain a form from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service Center. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

The Court will not consider any email communication unless all parties and/or counsel and both members of the Court's staff are copied. All email communication between the Court and the parties and/or counsel are filed into the record. The Judicial Assistant, Chrystal Castro can be reached at Chrystal.Castro@JBAZMC.Maricopa.Gov and the Courtroom Assistant, Alicia Arreola can be reached at Alicia.Arreola@JBAZMC.Maricopa.Gov.

ALERT: Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-79 requires all individuals entering a Court facility to wear a mask or face covering at **all times** while they are in the Court facility. With limited exceptions, the Court will not provide masks or face coverings. Therefore, any individual attempting to enter the Court facility must have an appropriate mask or face covering to be allowed entry to the Court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the Court facility or asked to leave. In addition, all individuals entering a Court facility will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the Court facility.



PROVIDENT LAW

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Attorneys for Plaintiffs

CLERK OF THE SUPERIOR COURT
FILED

3/2/2021 @ 4:00 PM
D. Tapia, Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

DONNA J. JOHANSON, individually and
as Personal Representative for THE
ESTATE OF GARY T. JOHANSON,

Plaintiffs,

vs.

NICK CASAVELLI and NICOLINA
CASTELLI, husband and wife,

Defendants.

Case No.: CV2017-055490

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW RE: MOTION
TO DEEM DEFENDANTS NICK
CASAVELLI AND NICOLINA
CASTELLI VEXATIOUS LITIGANTS**

The Court having considered Plaintiffs' *Motion To Deem Defendants Nick Casavelli And Nicolina Castelli Vexatious Litigants (the "Motion")*, and the entire record in this matter, the Court makes the following findings of fact and conclusions of law:

1 **I. FINDINGS OF FACT**

2 **A. The Defendants acting *in propria persona* repeatedly re-litigated**
3 **determinations adverse to them as follows:**

- 4 1. Defendants filed at least eight motions seeking to remove Plaintiffs'
5 counsel, all of which were denied and resulting in award of attorneys' fees
6 and costs to Plaintiffs after granting the last of these motions. *See* Minute
7 Entry dated February 10, 2020, attached at **Exhibit 1**, detailing these
8 motions which is incorporated herein by this reference.
- 9
- 10 2. Defendants filed numerous motions alleging forged or falsified documents
11 by Plaintiffs or their counsel. Each of the motions noted in paragraph 1
12 above seeking to remove Plaintiffs' counsel contained these allegations.
13 Other motions filed by the Defendants (like their *Objection To Sanctions*
14 *For Plaintiffs' Fraudulent Documents* filed February 14, 2020, and their
15 *Motion For Dismissal Due To Plaintiffs' Fraud Upon The Court* filed on
16 July 11, 2020) incorporate these same allegations. All motions filed by the
17 Defendants containing these allegations were denied. The allegations are
18 meritless and the Court has not made any finding that Plaintiffs or their
19 counsel forged documents.
- 20
- 21 3. Defendants filed multiple motions for reconsideration, including one
22 Motion For Reconsideration seeking reconsideration of ten (10) separate
23 motions. Each and every motion for reconsideration filed by the Defendants
24 was denied. *See Exhibit 1* detailing Defendants' Motions.
- 25
- 26

1 4. Defendants twice filed an *Application to Remove Judge for Cause* only days
2 apart (both denied) using these to cause the Court to vacate an *Order to*
3 *Show Cause* hearing on the Defendants' failure to abide by Court orders
4 regarding payment of an award of attorneys' fees and costs. *See*
5 *Reassignment Request Denied* dated October 13, 2020. *See Reassignment*
6 *Request Denied* dated October 22, 2020. *See Minute Entry* dated October
7 15, 2020 vacating the *Order to Show Cause* hearing. Both of these
8 Applications were meritless. Additionally, they were harassing because
9 they sought primarily to delay the *Order to Show Cause Hearing*.
10

11 **B. Defendants acting in propria persona filed unmeritorious motions or**
12 **otherwise engaged in frivolous litigation tactics which unreasonably**
13 **expanded and/or delayed this Court's proceedings as follows:**
14

- 15 1. Defendants untimely attempted to strike Judge Flores after ruling on
16 multiple issues over a period of months. *See Minute Entry* dated February
17 19, 2020 denying Defendants' *Change Of Judge As A Matter Of Right*.
- 18 2. Defendants untimely attempted to remove the within case to federal court
19 after two-plus years of litigation in state court. *See Notice of Removal* dated
20 March 9, 2020. Despite the District Court stamp showing the March 9, 2020
21 filing date, Defendants withheld from filing the *Notice of Removal* with the
22 Superior Court (and from the Plaintiffs) until a March 11, 2020 Status
23 Conference when they gave verbal notice of filing same to wrest jurisdiction
24 from the Superior Court and to keep the Court from setting a trial date. This
25 Court takes judicial notice of Case 2:20-cv-00496-DWL, United States
26 District Court, District of Arizona. Plaintiffs were forced to file a *Motion*

1 *To Remand* (Doc. No. 9) there in objecting to the *Notice of Removal*. The
2 District Court refused to take jurisdiction noting the request to remove
3 “expired long ago” and that the Defendants failed to meet their burden of
4 establishing that removal was proper (Doc. No. 10) and remanded the matter
5 back to the Superior Court.

6
7 3. Defendants three times took an appeal on unappealable rulings.

8 a. *See Order Dismissing Appeal* dated September 23, 2019, Arizona
9 Court of Appeals, Division One (Case No: 1-CA-CV 19-0534).

10 b. *See Order Dismissing Appeal* dated September 25, 2020, Arizona
11 Court of Appeals, Division One (Case No: 1 CA-CV 20-0436).

12 c. *See Minute Entry* dated September 3, 2020, p. 2. *See Order*
13 *Dismissing Appeal* dated January 8, 2021, Arizona Court of Appeals,
14 Division One (Case No: 1 CA-DV 20-0650)

15
16 4. Defendants walked out of their deposition requiring the Plaintiffs to respond
17 to their *Motion for Protective Order* and forcing the rescheduling of their
18 depositions. *See Ruling On Pending Motions* dated September 13, 2018, p.
19 3 denying Defendants’ *Motion for Protective Order*.

20 5. Defendants caused the loss of a firm trial setting because their first *Notice*
21 *of Appeal* of an unappealable order did not resolve in time. *See Minute Entry*
22 dated August 15, 2019.

23 6. Defendants twice applied for “Default Judgment” on procedural motions for
24 which judgment of any kind is impermissible. *See Minute Entry* dated
25 December 10, 2019, p. 4, denying Defendants’ *Motion For Default*
26 *Judgment* filed July 10, 2019. *See Minute Entry* dated February 10, 2020,

1 p. 4 denying Defendants' *Motion For Default Judgment* filed December 23,
2 2019. These filings caused Plaintiffs to file Responses on July 29, 2019 and
3 January 6, 2020 respectively.

4 7. Defendants improperly filed an Amended Counterclaim on June 6, 2019
5 without first obtaining leave of Court to do so. Plaintiffs responded by filing
6 a *Motion to Strike* on June 13, 2019 after which the Court struck the pleading
7 from the docket. *See Minute Entry* dated December 10, 2019.

8 8. Defendants filed a *Motion to Dismiss* seeking dismissal of all of Plaintiff's
9 claims on November 18, 2019 at a time when the dispositive motion
10 deadline had expired and which the Court denied (ruling on the substance
11 of Defendants' *Motion To Dismiss* rather than denying for untimeliness).
12 Plaintiffs necessarily filed their *Response In Objection To Motion To*
13 *Dismiss* on December 5, 2019.

14 9. Defendants brought a second *Motion to Dismiss* on July 10, 2020 exceeding
15 the limits place on dispositive motions as detailed in the Court's Minute
16 Entry dated May 12, 2020, pp. 5-6 limiting dispositive motions to only those
17 issues and claims filed by the parties in their amended pleadings.
18 Defendant's *Motion to Dismiss* also improperly attempted to relitigate the
19 issues brought in their prior untimely Motion to Dismiss on November 18,
20 2020. *See Minute Entry* dated January 27, 2021. Defendants' refusal to
21 comply with the Court's limitations caused Plaintiffs to address issues in
22 their Response that the Plaintiffs should not have had to address again.
23
24
25
26

1 **C. The Defendants acting *in propria persona* brought or defended court**
2 **actions without substantial justification as follows:**

- 3 1. Defendants brought several counterclaims in the within case for which they
4 either did not have standing, were barred by an applicable limitations period,
5 or were barred by privilege including their claims for Consumer Fraud,
6 Accounting Fraud, Breach of Contract, Libel and Slander And Related
7 Expenses. For instance, Defendants' Accounting Fraud claim alleged
8 Plaintiffs committed fraud against the IRS in their tax filing documents by
9 hiding their income to evade taxes. Where only the IRS would then have a
10 claim, the Defendants nonetheless asserted they were damaged in the
11 amount of \$358,604.16. Defendants baselessly brought these in their
12 *Amended Answer To Include Counterclaims*, and baselessly defended these
13 in their Response to Plaintiffs' *Motion to Dismiss*, forcing Plaintiffs to file
14 a Reply and appear at oral argument.
15
16 2. Defendants three times took an appeal on unappealable rulings from the
17 within case. See Paragraph I(B)(3) above.
18
19 3. Defendants filed a case with the U.S. District Court, District of Arizona,
20 Case No 2:20-cv-00497-JAT seeking to enjoin the within Superior Court
21 case and alleging various constitutional and federal statutory claims. Not
22 only was the injunctive relief denied at the outset, but this Court judicially
23 notices the case was dismissed in its entirety on December 23, 2020 with
24 prejudice. (Doc. No. 123 and 124).
25
26 4. Defendant Nicolina Castelli filed for an *ex-parte* Order of Protection against
 Plaintiff Gary Johanson in November 2017 in Country Meadows Justice

1 Court, Case No. CC2017208149. Her case was denied for failure to
2 demonstrate any act of domestic violence had been committed and that an
3 act of domestic violence would likely be committed.

4 **II. Based on the findings above the Court concludes as a matter of law as follows:**

- 5 1. The Defendants actions detailed Section 1(A) above are in violation of
6 A.R.S. § 12-2301(1)(a) for repetitious filings designed solely or primarily
7 for harassment.
8
9 2. The Defendants actions detailed in Section 1(B) above are in violation of
10 A.R.S. § 12-2301(1)(b) for unreasonably expanding or delaying court
11 proceedings.
12
13 3. The Defendants actions detailed in Section 1(C) above are in violation of
14 A.R.S. § 12-2301(1)(c) for bringing or defending court actions without
15 substantial justification.
16
17 4. The Defendants actions detailed in Section 1(A) above are in violation of
18 A.R.S. § 12-2301(1)(f) for repeatedly filing documents or requests for relief
19 that have been the subject of previous rulings by the court in the same
20 litigation
21
22 5. The violations by Defendants of A.R.S. §§ 12-2301(1)(a-c) constitute
23 vexatious conduct under A.R.S. § 12-2301(C).
24
25 6. The Defendants are vexatious litigants under A.R.S. § 12-2301.
26

IT IS HEREBY ORDERED granting Plaintiffs' *Motion to Deem Defendants*
Vexatious Litigants.

IT IS FURTHER ORDERED that Defendants are prohibited from filing any new causes of action in any Arizona Court without leave of the Presiding Judge or his/her designee without first furnishing security equal to all outstanding unpaid judgments in this matter plus \$10,000.00 in the within case, and security in the amount of \$5,000.00 in any other new litigation the Defendants seek to file alleging the same or derivative facts or law.

IT IS FURTHER ORDERED prohibiting Defendants from filing any new pleading, motion or other document in any non-criminal case in which judgment concluding the case has been entered without leave of the Presiding Judge or his/her designee.

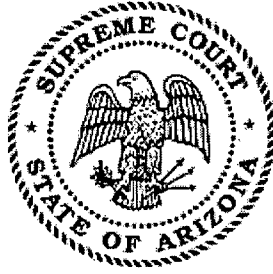
IT IS FURTHER ORDERED granting Plaintiffs their reasonable attorneys' fees and costs in bringing their Motion.

DATED this 1st day of March, 2021.

Sally S Duncan

By: Honorable Sally Schneider Duncan

Appendix C



Supreme Court

STATE OF ARIZONA

ROBERT BRUTINEL
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

TRACIE K. LINDEMAN
Clerk of the Court

July 26, 2022

RE: JOHANSON, et al. v CASAVELLI, et al.
Arizona Supreme Court No. CV-22-0070-PR
Court of Appeals, Division One No. 1 CA-CV 21-0207
Maricopa County Superior Court No. CV2017-055490

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on July 26, 2022, in regard to the above-referenced cause:

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs (Appellants Casavelli, et al., Pro Se) = DENIED.

Chief Justice Brutinel did not participate in the determination of this matter.

Tracie K. Lindeman, Clerk

TO:
Nicholas Casavelli
Nicolina Castelli
Christopher J Charles
Bryan L Eastin
Amy M Wood
jn

Appendix D

Appendix E

12-3201. Vexatious litigants; designation; definitions

A. In a noncriminal case, at the request of a party or on the court's own motion, the presiding judge of the superior court or a judge designated by the presiding judge of the superior court may designate a pro se litigant a vexatious litigant.

B. A pro se litigant who is designated a vexatious litigant may not file a new pleading, motion or other document without prior leave of the court.

C. A pro se litigant is a vexatious litigant if the court finds the pro se litigant engaged in vexatious conduct.

D. The requesting party may make an amended request at any time if the court either:

1. Determined that the party is not a vexatious litigant and the requesting party has new information or evidence that is relevant to the determination, even if there is not a pending case in the court.

2. Did not rule on the original request during the pendency of the action, even if there is not a pending case in the court.

E. For the purposes of this section:

1. "Vexatious conduct" includes any of the following:

(a) Repeated filing of court actions solely or primarily for the purpose of harassment.

(b) Unreasonably expanding or delaying court proceedings.

(c) Court actions brought or defended without substantial justification.

(d) Engaging in abuse of discovery or conduct in discovery that has resulted in the imposition of sanctions against the pro se litigant.

(e) A pattern of making unreasonable, repetitive and excessive requests for information.

(f) Repeated filing of documents or requests for relief that have been the subject of previous rulings by the court in the same litigation.

2. "Without substantial justification" has the same meaning prescribed in section 12-349.

REFERENCE TITLE: vexatious litigants; designation

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2021

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 24;
RELATING TO VEXATIOUS LITIGANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 12, Arizona Revised Statutes, is amended by adding chapter 24, to read:

CHAPTER 24

VEXATIOUS LITIGANTS

ARTICLE 1. GENERAL PROVISIONS

12-3201. Vexatious litigants; designation; court order

A. IN ANY LITIGATION PENDING IN ANY COURT IN THIS STATE, AT ANY TIME UNTIL FINAL JUDGMENT IS ENTERED, A DEFENDANT MAY MOVE THE COURT, ON NOTICE AND HEARING, FOR AN ORDER DESIGNATING A PERSON A VEXATIOUS LITIGANT. ♦ THE COURT ON ITS OWN MOTION, ON NOTICE AND HEARING, MAY DESIGNATE A PERSON A VEXATIOUS LITIGANT.

B. A PERSON WHO IS DESIGNATED A VEXATIOUS LITIGANT MAY NOT FILE A LAWSUIT OR MOTION OR REQUEST RELIEF WITHOUT PRIOR LEAVE OF THE COURT'S PRESIDING JUDGE OR THE JUDGE'S DESIGNEE. ♦ IF A VEXATIOUS LITIGANT IS GRANTED LEAVE TO FILE, ALL SUBSEQUENT FILINGS IN THE MATTER ARE APPROVED.

C. A PERSON IS A VEXATIOUS LITIGANT IF THE COURT FINDS THE PERSON DOES ANY OF THE FOLLOWING:

1. IN THE IMMEDIATELY PRECEDING SEVEN-YEAR PERIOD, HAS COMMENCED, PROSECUTED OR MAINTAINED IN PROPRIA PERSONA AT LEAST FIVE LITIGATIONS OTHER THAN IN A SMALL CLAIMS COURT THAT HAVE BEEN EITHER:

(a) FINALLY DETERMINED ADVERSELY TO THE PERSON.

(b) UNJUSTIFIABLY PERMITTED TO REMAIN PENDING AT LEAST TWO YEARS WITHOUT HAVING BEEN BROUGHT TO TRIAL OR HEARING.

2. AFTER A LITIGATION HAS BEEN FINALLY DETERMINED AGAINST THE PERSON, REPEATEDLY RELITIGATES OR ATTEMPTS TO RELITIGATE IN PROPRIA PERSONA EITHER:

(a) THE VALIDITY OF THE DETERMINATION AGAINST THE SAME DEFENDANT OR DEFENDANTS AS TO WHOM THE LITIGATION WAS FINALLY DETERMINED.

(b) THE CAUSE OF ACTION, CLAIM OR CONTROVERSY OR ANY OF THE ISSUES OF FACT OR LAW THAT WERE DETERMINED OR CONCLUDED BY THE FINAL DETERMINATION AGAINST THE SAME DEFENDANT OR DEFENDANTS AS TO WHOM THE LITIGATION WAS FINALLY DETERMINED.

3. IN ANY LITIGATION WHILE ACTING IN PROPRIA PERSONA, REPEATEDLY FILES UNMERITORIOUS MOTIONS, PLEADINGS OR OTHER PAPERS, CONDUCTS UNNECESSARY DISCOVERY OR ENGAGES IN OTHER TACTICS THAT ARE FRIVOLOUS OR SOLELY INTENDED TO CAUSE UNNECESSARY DELAY.

4. HAS PREVIOUSLY BEEN DECLARED TO BE A VEXATIOUS LITIGANT BY ANY STATE OR FEDERAL COURT OF RECORD IN ANY ACTION OR PROCEEDING BASED ON THE SAME OR SUBSTANTIALLY SIMILAR FACTS, TRANSACTION OR OCCURRENCE.

D. AN ORDER DESIGNATING A PERSON A VEXATIONS LITIGANT SHALL BE NARROWLY TAILORED AND LIST ALL OF THE CASES AND MOTIONS THAT THE COURT REVIEWED IN MAKING ITS DETERMINATION.

Appendix F

**Fifty-first Legislature
Second Regular Session**

**JUD
H.B. 2021**

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2021

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Title 12, Arizona Revised Statutes, is amended by adding chapter 24, to read:

CHAPTER 24

VEXATIOUS LITIGANTS

ARTICLE 1. GENERAL PROVISIONS

12-3201. Vexatious litigants; designation

A. IN A NONCRIMINAL CASE, AT THE REQUEST OF A PARTY OR ON THE COURT'S OWN MOTION, THE PRESIDING JUDGE OF THE SUPERIOR COURT OR A JUDGE DESIGNATED BY THE PRESIDING JUDGE OF THE SUPERIOR COURT MAY DESIGNATE A PRO SE LITIGANT A VEXATIOUS LITIGANT.

B. A PRO SE LITIGANT WHO IS DESIGNATED A VEXATIOUS LITIGANT MAY NOT FILE A NEW PLEADING, MOTION OR OTHER DOCUMENT WITHOUT PRIOR LEAVE OF THE COURT.

C. A PRO SE LITIGANT IS A VEXATIOUS LITIGANT IF THE COURT FINDS THE PRO SE LITIGANT ENGAGED IN VEXATIOUS CONDUCT. FOR THE PURPOSES OF THIS SECTION VEXATIOUS CONDUCT INCLUDES:

1. REPEATED FILING OF LITIGATION SOLELY OR PRIMARILY FOR THE PURPOSE OF HARASSMENT.

2. UNREASONABLY EXPANDING OR DELAYING COURT PROCEEDINGS.

3. COURT ACTIONS BROUGHT OR DEFENDED WITHOUT SUBSTANTIAL JUSTIFICATION.

4. ENGAGING IN ABUSE OF DISCOVERY.

5. A PATTERN OF MAKING UNREASONABLE, REPETITIVE OR EXCESSIVE REQUESTS FOR INFORMATION.

6. REPEATED FILING OF DOCUMENTS OR REQUESTS FOR RELIEF THAT HAVE BEEN THE SUBJECT OF PREVIOUS RULINGS BY THE COURT IN THE SAME LITIGATION."

Amend title to conform

2021-se2-farnsworth

2/4/14

2:13 PM

H:as

EDWIN W. FARNSWORTH

**Fifty-first Legislature
Second Regular Session**

**JUD
H.B. 2021**

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2021

(Reference to Farnsworth 28-line s/e amendment dated 2/4/14)

Page 1, lines 10, 12, 15 and 16, strike "PRO SE LITIGANT" insert "PERSON"
Amend title to conform

EDWIN W. FARNSWORTH

2021-p1-farnsworth

2/4/14

3:27 PM

H:as

**Fifty-first Legislature
Second Regular Session**

**COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2021
(Reference to printed bill)**

Strike everything after the enacting clause and insert:

"Section 1. Title 12, Arizona Revised Statutes, is amended by adding chapter 24, to read:

CHAPTER 24

VEXATIOUS LITIGANTS

ARTICLE 1. GENERAL PROVISIONS

12-3201. Vexatious litigants; designation

A. IN A NONCRIMINAL CASE, AT THE REQUEST OF A PARTY OR ON THE COURT'S OWN MOTION, THE PRESIDING JUDGE OF THE SUPERIOR COURT OR A JUDGE DESIGNATED BY THE PRESIDING JUDGE OF THE SUPERIOR COURT MAY DESIGNATE A PRO SE LITIGANT A VEXATIOUS LITIGANT.

B. A PRO SE LITIGANT WHO IS DESIGNATED A VEXATIOUS LITIGANT MAY NOT FILE A NEW PLEADING, MOTION OR OTHER DOCUMENT WITHOUT PRIOR LEAVE OF THE COURT.

C. A PRO SE LITIGANT IS A VEXATIOUS LITIGANT IF THE COURT FINDS THE PRO SE LITIGANT ENGAGED IN VEXATIOUS CONDUCT. FOR THE PURPOSES OF THIS SECTION VEXATIOUS CONDUCT INCLUDES:

1. REPEATED FILING OF LITIGATION SOLELY OR PRIMARILY FOR THE PURPOSE OF HARASSMENT.

2. UNREASONABLY EXPANDING OR DELAYING COURT PROCEEDINGS.

3. COURT ACTIONS BROUGHT OR DEFENDED WITHOUT SUBSTANTIAL JUSTIFICATION.

4. ENGAGING IN ABUSE OF DISCOVERY.

5. A PATTERN OF MAKING UNREASONABLE, REPETITIVE OR EXCESSIVE REQUESTS FOR INFORMATION.

6. REPEATED FILING OF DOCUMENTS OR REQUESTS FOR RELIEF THAT HAVE BEEN THE SUBJECT OF PREVIOUS RULINGS BY THE COURT IN THE SAME LITIGATION."

Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

2021-sc-jud

2/6/14

H:laa

**Fifty-first Legislature
Second Regular Session**

**Kavanagh
H.B. 2021**

KAVANAGH FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2021

(Reference to JUDICIARY Committee amendment)

Page 1, between lines 27 and 28, insert:

"Sec. 2. Effective date

This act is effective from and after December 31, 2014."

Amend title to conform

JOHN KAVANAGH

2021-f1-kavanagh

2/7/14

2:51 PM

H:as

**Fifty-first Legislature
Second Regular Session**

**Kavanagh
H.B. 2021**

KAVANAGH FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2021

(Reference to JUDICIARY Committee amendment)

Page 1, line 17, after a "INCLUDES" insert "ANY OF THE FOLLOWING"

Line 18, strike "LITIGATION" insert "COURT ACTIONS"

Line 23, after "DISCOVERY" insert "OR CONDUCT IN DISCOVERY THAT HAS RESULTED IN THE IMPOSITION OF SANCTIONS AGAINST THE PRO SE LITIGANT"

Line 24, strike "OR" insert "AND"

Between lines 27 and 28, insert:

"D. FOR PURPOSES OF THIS SECTION, "WITHOUT SUBSTANTIAL JUSTIFICATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 12-349."

Amend title to conform

JOHN KAVANAGH

2021-f2-kavanagh
2/17/14
1:37 PM
H:laa

Appendix G



PROVIDENT LAW

14646 N. Kierland Boulevard, Suite 230, Scottsdale, AZ 85254 | (480) 388-3343

INVOICE

Donna Johanson and Gary T. Johanson
10231 W. Ironwood Drive
Sun City, Arizona 85351-4745
donna johanson1939@gmail.com

Date: 10/31/2020

Matter number: 000609.4 -
Johanson v.
Casavelli - Civil
Litigation (CV2017-
055490)(APPEALS
Case #CA-CV 19-
0534)

RE: 000609.4 - Gary & Donna Johanson v.
Nicholas & Nicolina Casavelli (CV2017-
055490) - Civil Litigation

Invoice number: 6110

Please make all amounts payable to: PROVIDENT LAW®. We accept Visa, MasterCard, American Express and Discover. Please be aware that if you choose to make your payment by credit card the three percent (3%) credit card processing/convenience fee will be WAIVED.

For your convenience, you can go to <https://secure.lawpay.com/pages/providentlaw/operating> to make a direct payment.

Fees

Date	Tkpr.	Services	Duration	Amount
10/01/2020	MR	Finalize and file Motion to Compel Production; and Rule 7.1 Certificate (.3)	0.30	\$58.50
10/01/2020	AW	Review and revise Motion to Compel (.3); gather exhibits (.2); review and revise Good Faith Certificate (.2); email and mail same to N. Casavelli and N. Castelli (.1); email to D. Johanson enclosing client copy (NC)	0.70	\$63.00
10/01/2020	AW	Review and revise the Motion to Compel (.3); review and revise the Rule 7.1 Good Faith Certificate (.2); mail and email same to N. Casavelli and N. Castelli (.2); email to D. Johanson enclosing client copy (NC)	0.70	\$63.00
10/06/2020	MR	Docket deadline(s) associated with 10-1-20 Plaintiff's Motion to Compel (.2)	0.20	\$18.00
10/09/2020	BLE	Review of Affidavit for Removal of Judge For Cause (.4); began draft of Response to same (1.1)	1.50	\$592.50
10/12/2020	MR	Finalize and file Plaintiffs' Response to Defendants' Affidavit of Change of Judge for Cause (.2)	0.20	\$39.00
10/12/2020	BLE	Complete draft of Response Memorandum to Affidavit of Change of Judge For Cause (.8)	0.80	\$316.00
10/12/2020	AW	Review and revise the Response to Memorandum to Affidavit of Change of Judge for Cause (.3);	0.50	\$45.00



PROVIDENT LAW

		prepare email and mail same to N. Casavelli and N. Castelli (.2); email to D. Johanson enclosing client copy (NC)		
10/13/2020	AW	Telephone call with Justin (JA) Judge Pamela Gates advising the Affidavit to Change Judge and Response have been reviewed and ruling has been passed down denying the Affidavit and the Oral Argument for the 15th will proceed (.2)	0.20	\$18.00
10/14/2020	BLE	Prepare for Order to Show Cause Hearing including review of pleadings, identification of e exhibits, drafting of List of Witnesses and Exhibits, and notes (1.7); prepare for Oral Argument on pending Motions to Dismiss including review of all relevant pleadings and notes (1.7); review of second Affidavit from Defendants requesting change of judge and now venue for cause (.2); review of applicable authority (.3)	3.90	\$1,540.50
10/14/2020	AW	Begin gathering exhibits in preparation for Order to Show Cause Notebook (.7); prepare index regarding same (.3); finalize notebook (.3); finalize and file the List of Witnesses and Exhibits in preparation for court filing (.2); prepare hard copy of same with exhibits to be delivered to the Court (.3); email same enclosing exhibits to C. Castro (JA) for Commissioner Duncan and the Casavelli's (.2)	2.00	\$180.00
10/15/2020	MR	Finalize and file Response to Defendants' Affidavit for Change of Venue and Judge for Cause (.3)	0.30	\$58.50
10/15/2020	BLE	Draft Response to second Affidavit seeking to change venue and judge for cause (1.0); review of Minute Entry vacating 10-15-20 Order to Show Cause Hearing (.1)	1.10	\$434.50
10/15/2020	AW	Review and revise the Plaintiffs' Response to Defendants' Affidavit for Change of Venue (.3); email and mail same to N. Casavelli and N. Castelli (.2); email to D. Johanson enclosing client copy (NC)	0.50	\$45.00
10/19/2020	MR	Docket deadline(s) associated with 10-15-20 Plaintiffs' Response to Defendants' Affidavit for Change of Venue and Judge for Cause (.2)	0.20	\$18.00
10/22/2020	BLE	Review of Minute Entry denying Defendants' Request For Removal of Judge for Cause (.1)	0.10	\$39.50
10/28/2020	BLE	Began initial draft of Motion to deem opposing parties as vexatious litigants (3.9)	3.90	\$1,540.50
10/29/2020	BLE	Review of authority in support of Vexatious Litigant Motion (1.7); continued work on initial draft of Vexatious Litigant Motion (1.8)	3.50	\$1,382.50
10/30/2020	BLE	Continued work on initial draft of Vexatious Litigant Motion (3.1)	3.10	\$1,224.50



PROVIDENT LAW

Our Fee

23.70

\$7,676.50

Time summary

Tkpr.	Name	Rate	Hours	Amount
BLE	Bryan L. Eastin	\$395.00	17.90	\$7,070.50
MR	Mary Richardson	\$90.00	0.40	\$36.00
MR	Mary Richardson	\$195.00	0.80	\$156.00
AW	Ann Washington	\$90.00	4.60	\$414.00

Expenses

Description	Amount
AZTurbo Court Filing Fee List of Witnesses	\$6.70
AZTurbo Court Filing Fee Notice of Voluntary Dismissal With Prejudice	\$6.70
AZTurbo Court Filing Fee Plaintiffs' List of Witness and Exhibits	\$6.70
AZTurbo Court Filing Fee Plaintiffs' Response to Defendants' Affidavit of Change of Judge for Cause	\$6.70
AZTurbo Court Filing Fee Rule 7.1 Certificate Regarding Plaintiff's Expedited Motion to Compel	\$6.70
PACER 3rd Qtr	\$6.40
Photocopies - Black & White (44)	\$4.40
Photocopies - Color (13)	\$3.25
Westlaw - Legal Research Fees September 2020	\$108.31
Total expenses	\$155.86

Total fees \$7,676.50

Total expenses \$155.86

Total New Charges \$7,832.36

Net amount owing on this bill \$7,832.36

Statement of account

Prior balance	\$4,473.25
Payments and adjustments	\$4,473.25
Current fees	\$7,676.50
Current expenses	\$155.86
Net amount owing on this bill	\$7,832.36

Payments and adjustments

Date	Ref.	Description	Amount
10/15/2020	Chk 1125	Payment for Bill 5774	\$4,473.25

Appendix H



USAGE DETAILS

For information only - charges are shown in the One-Time Charges section.

(480) 765-0139

TALK

When	Who	Description	Type	Min	Cost
Jan 21	6:38 PM OUT	-0301 to Phoenix/AZ	F	17	-
	6:56 PM OUT	-0301 to Phoenix/AZ	F	8	-
	7:03 PM OUT	-9907 to Phoenix/AZ	-	15	-
	7:19 PM OUT	-0301 to Phoenix/AZ	F	3	-
	7:25 PM IN	-0301 Incoming	F	4	-
Jan 22	12:02 PM OUT	VM Retrieval	G	1	-
Jan 24	3:30 PM IN	-0301 Incoming	F	1	-
	4:17 PM OUT	-0301 to Phoenix/AZ	F	1	-
Jan 26	1:25 PM OUT	-5200 to Phoenix/AZ	-	2	-
Jan 28	9:28 AM OUT (917) 781-4590	to New York, NY	-	17	-
	1:17 PM OUT	-8000 to Sulf. Cont. Co.	-	6	-
	9:05 PM IN	-0301 Incoming	F	3	-
Jan 29	12:48 PM IN	-7100 Incoming	-	2	-
	1:30 PM IN	-0301 Incoming	F	5	-
Jan 30	10:17 PM OUT	-0301 to Phoenix/AZ	F	7	-
Jan 31	9:32 PM IN	-0301 Incoming	F	11	-
Feb 01	12:36 PM OUT	-4825 1-800 #	-	1	-
	12:37 PM OUT	-4825 1-800 #	-	13	-
Feb 02	8:51 PM IN	-0301 Incoming	F	3	-
Feb 03	1:12 PM OUT	-0301 to Phoenix/AZ	F	1	-
	8:59 PM IN	-0301 Incoming	F	1	-
Feb 05	12:47 PM OUT	-6700 to Phoenix/AZ	-	4	-
	10:40 PM IN	-0301 Incoming	F	6	-
Feb 06	3:33 PM OUT	-0301 to Phoenix/AZ	F	1	-
Feb 08	2:21 PM OUT	-0882 to Locust/HC	-	1	-
Feb 09	11:08 AM OUT	-7100 to Phoenix/AZ	-	3	-
	11:11 AM OUT	-7100 to Phoenix/AZ	-	3	-
	11:31 AM IN	IBR Incoming	-	5	-
	1:22 PM IN	IBR Incoming	-	21	-
	2:13 PM OUT	-6700 to Phoenix/AZ	-	15	-
	7:19 PM IN	-0301 Incoming	F	9	-
Feb 10	12:13 PM OUT	-3000 to Phoenix/AZ	-	5	-
	8:02 PM OUT	-0301 to Phoenix/AZ	F	3	-
Feb 11	3:24 PM OUT	-3396 to Phoenix/AZ	-	5	-
	6:09 PM IN	-0301 Incoming	F	14	-
Feb 13	8:11 PM IN	-0301 Incoming	F	6	-
Feb 14	1:02 PM OUT	-3396 to Phoenix/AZ	-	1	-
Feb 15	9:11 PM OUT	-0301 to Phoenix/AZ	F	8	-
Feb 17	9:26 PM IN	-0301 Incoming	F	6	-
Feb 18	2:01 PM OUT	-0301 to Phoenix/AZ	F	2	-
	2:03 PM OUT	-0301 to Phoenix/AZ	F	1	-
	2:04 PM IN	-0301 Incoming	F	2	-
Totals				243	\$0.00

The date and time corresponds to the local time where the mobile was located.

WHO: OUT Outgoing IN Incoming TYPE: F Mobile2Mobile G Voicemail

TEXT

When	Who	Destination	Type	Cost
Feb 13	12:06 PM IN	-5161 Trabuco, CA	TXT	-
Feb 14	12:09 PM IN	-0301 Phoenix, AZ	TXT	-
	12:09 PM OUT	-0301 Phoenix, AZ	TXT	-
	12:09 PM OUT	-0301 Phoenix, AZ	TXT	-
	12:22 PM OUT	-0301 Phoenix, AZ	TXT	-
	12:23 PM IN	-0301 Phoenix, AZ	TXT	-
	12:39 PM OUT	-0301 Phoenix, AZ	TXT	-
	12:40 PM IN	-0301 Phoenix, AZ	TXT	-
	1:10 PM IN	-0301 Phoenix, AZ	TXT	-
	1:10 PM OUT	-0301 Phoenix, AZ	TXT	-
	1:10 PM OUT	-0301 Phoenix, AZ	TXT	-
	1:11 PM OUT	-0301 Phoenix, AZ	TXT	-
	1:11 PM IN	-0301 Phoenix, AZ	TXT	-
	1:50 PM IN	-0301 Phoenix, AZ	TXT	-
	1:58 PM IN	-0301 Phoenix, AZ	TXT	-

...CONTINUED - (480) 765-0139, TEXT

When	Who	Destination	Type	Cost
	1:58 PM OUT	-0301 Phoenix, AZ	TXT	-
	1:58 PM OUT	-0301 Phoenix, AZ	TXT	-
	2:01 PM IN	-0301 Phoenix, AZ	TXT	-
	2:01 PM OUT	-0301 Phoenix, AZ	TXT	-
	2:01 PM OUT	-0301 Phoenix, AZ	TXT	-
	2:06 PM IN	-0301 Phoenix, AZ	TXT	-
	2:06 PM OUT	-0301 Phoenix, AZ	TXT	-
	2:06 PM OUT	-0301 Phoenix, AZ	TXT	-
Feb 15	11:17 AM IN	-0301 Phoenix, AZ	TXT	-
	11:17 AM OUT	-0301 Phoenix, AZ	TXT	-
	11:17 AM OUT	-0301 Phoenix, AZ	TXT	-
	4:48 PM IN	-8875 Tucson, AZ	TXT	-
Feb 16	12:04 PM IN	-8875 Tucson, AZ	TXT	-
Feb 17	5:03 PM IN	-8875 Tucson, AZ	TXT	-
Totals				\$0.00

The date and time corresponds to Pacific Time (PST/PDT).

WHO: OUT Outgoing IN Incoming TYPE: TXT Text

DATA

When	Service	Origin	Type	MB	Cost
Jan 21	Mobile Internet	-	-	143.4753	-
Jan 22	Mobile Internet	-	-	0.2976	-
Jan 23	Mobile Internet	-	-	40.5603	-
Jan 24	Mobile Internet	-	-	140.6960	-
Jan 25	Mobile Internet	-	-	236.3883	-
Jan 26	Mobile Internet	-	-	3.9252	-
Jan 27	Mobile Internet	-	-	0.6247	-
Jan 28	Mobile Internet	-	-	0.7263	-
Jan 29	Mobile Internet	-	-	20.2624	-
Jan 30	Mobile Internet	-	-	0.8591	-
Jan 31	Mobile Internet	-	-	0.1502	-
Feb 02	Mobile Internet	-	-	0.0439	-
Feb 03	Mobile Internet	-	-	7.1136	-
Feb 04	Mobile Internet	-	-	0.3270	-
Feb 05	Mobile Internet	-	-	4.7342	-
Feb 06	Mobile Internet	-	-	9.0496	-
Feb 07	Mobile Internet	-	-	30.6188	-
Feb 08	Mobile Internet	-	-	0.9528	-
Feb 09	Mobile Internet	-	-	17.7859	-
Feb 10	Mobile Internet	-	-	64.4325	-
Feb 11	Mobile Internet	-	-	38.1941	-
Feb 12	Mobile Internet	-	-	3.8865	-
Feb 13	Mobile Internet	-	-	0.2402	-
Feb 14	Mobile Internet	-	-	8.6873	-
Feb 15	Mobile Internet	-	-	0.0410	-
Feb 16	Mobile Internet	-	-	4.4207	-
Feb 17	Mobile Internet	-	-	17.8964	-
Feb 18	Mobile Internet	-	-	5.7488	-
Totals				802.1447	\$0.00

The date and time corresponds to Pacific Time (PST/PDT).

0301

TALK

When	Who	Description	Type	Min	Cost
Jan 20	1:30 PM IN	0719 Incoming	-	1	-
Jan 21	1:06 PM IN	0719 Incoming	-	1	-
	6:38 PM IN	0139 Incoming	F	17	-