

No. 24A121

IN THE SUPREME COURT OF UNITED STATES

RICHARD RYNN
Petitioner/Appellant,

v.

AVONDALE COURT CRAIG JENNINGS, STATE OF
ARIZONA, CITY OF AVONDALE, SHAYLEY
MATHEWS, PATRICK CAMUNEZ, FIRST TRANSIT
Respondents/Appellees.

APPENDIX FOR PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ARIZONA SUPREME COURT

Richard Rynn
1299 E. Marlin Drive
Chandler, AZ 85286
(520)510-6370
richardrynn@yahoo.com
Appellant/Plaintiff
Pro Se

APPENDIX

**U.S. Equal Employment Opportunity Commission
EEOC Determination of Richard Rynn Right To Sue
for workplace discrimination Issued 7/15/2024
Charge No. 540-2024-05311**

**Maricopa County Superior Court Case No. LC2022-
011208 Decision filed 8/29/2022**

**Arizona Court of Appeals Division One
Case No. 1CA-CV 23-0092, 12/12/2023**

**Arizona Supreme Court
Case No. CV 24-0017, 1/30/2024**

**Arizona Supreme Court
Case No. CV 24-0032, 5/14/2024**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Phoenix District Office 3500 North Central
Avenue, Suite 690 Phoenix, AZ 85012
Website: www.eeoc.gov
DETERMINATION AND NOTICE OF RIGHTS
(This Notice replaces HOC FORMS 161, 161-A & 161-B)
B) Issued On: 07/15/2024
To: Richard Rynn
Charge No: 540-2024-0531k
EEOC Representative and email:
JEREMY YUBETA
Enforcement Manager jeremy.yubeta@eeoc.gov

DETERMINATION OF CHARCE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF THE RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you

received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within **90** days. (The time limit for filing a lawsuit based on a claim under state law may be different) If you file a lawsuit based on this charge, please sign in to the EEOC. Public Portal and upload the court complaint to charge 540-2024-05311. On behalf of the Commission Melinda Caraballo District Director

SUPERIOR COURT OF ARIZONA MARICOPA
COUNTYLC2022-000265-001 DT 08/26/2022 CV
2022-01I208 CLERK OF THE COURT
HONORABLE DANIEL J. KILEY D. Tapia Deputy
RICHARD RYNN SHAYLEY MATIIEWS (001)
FIRST TRANSIT (001) COURT ADMIN-CEVEL-ARB
DESK D&C MATERIALS-CSC DOCKET-CIVIL-CCC
EXHIBITS-SCTJUDGE HANNAH 'JUDGE KILEY
REMAND DESK-LCA-CCC MINUTE ENTRYA
determination having been made that this case was
mistakenly assigned an LC case number instead of a
CV case number. IT IS ORDERED that this case will
bear the new cause number of CV2022-011208. All
filings in this case shall be filed with the Clerk of the
Court under the new cause number. This case is now
assigned, for all further proceedings, to: LC2022-
000265-001 DT 08/26/2022 CV 2022-011.208
HONORABLE JOHN HANNAH JUDICIAL,
OFFICER OF THE SUPERIOR COURT EAST
COURT BUILDING COURTROOM 811 101 W.
JEFFERSON PHOENIX, AZ 85003 (602) 372-0759
IT IS FURTHER ORDERED directing the Clerk of the
Court to amend the docket to reflect the assignment of
the Civil case number. IT IS FURTHER ORDERED
directing the Clerk of the Court to transfer all
documents from LC:2022-000265 to the newly
assigned CV2022-011208.

SUPERIOR COURT OF ARIZONA NOV 10 2022
MARICOPA COUNTY CV 2022.011208 I 1/09/2022
CLERK OF THE COURT HONORABLE JOHN R.
HANNAH JR A. Walker Deputy
RICHARD RYNN v. SHAYLE Y MATHEWS, et al.
JUDGE HANNAH MINUTE ENTRY The Court has
read and considered defendant City of Avondale's
Motion to Deny Special Action Jurisdiction of
Plaintiffs Request for Writ of Mandamus, and plaintiff
Richard Rynn's response, in the context of the record
in this case. To the extent that Mr. Rynn is seeking
special action relief from the injunction against
harassment issued from the Avondale City Court in
2019, there is no legal basis for his action. The City
Court having entered the injunction more than three
years ago, the only conceivable ground for relief is
Civil Rule 60(b)(4), which applies to a judgment that
was "void" in the sense that the court that entered the
judgment had no jurisdiction over the subject matter
and/or the defendant. The City Court did not lack
either subject matter or personal jurisdiction. To the
extent that Mr. Rynn is seeking damages arising from
the allegedly wrongful entry of the injunction, his
claims are barred by the doctrine of judicial immunity.
Judges like Judge Jennings enjoy absolute immunity
for "judicial acts," meaning functions normally
performed by a judge. *Acevedo by Acevedo v. Pinta*
County Adult Probation Dept., 142 Ariz. 319, 322, 690
P.2d 38, 41 (1984). The entry of an injunction against
harassment is plainly a judicial act. For those reasons,
IT IS ORDERED the defendant City's Motion to Deny
Special Action Jurisdiction of Plaintiff's Request for
Writ of Mandamus is granted. The petition is
dismissed in its entirety, with prejudice. No further
matters remain pending in this case. Judgment is
entered pursuant to Ariz. R. Civ. P. 54(c). IT IS

FURTHER ORDERED if the city of Avondale seeks an award of costs or attorneys fees, it may proceed by filing a motion to alter or amend the judgment within the time required by Civil R; 9(d)

JUDGE JOHN R. HANNAH JUDICIAL OFFICER OF THE SUPERIOR COURT IN THE ARIZONA COURT OF APPEALS DIVISION ONE RICHARD RYNN, *Plaintiff/Appellant*, V. AVONDALE COURT, CRAIG JENNINGS. et al, *Defendants/Appellees*. No. 1 CA-CV 23M092 FILED 12-12-2023 Appeal from the Superior Court in Maricopa County Ono. CV2022-011208 Avondale Municipal Court No. P02019000235 The Honorable John R. Hannah, Judge AFFIRMED

MEMORANDUM DECISION Judge Maria Elena Cruz delivered the decision of the Court, in which Presiding Judge David D. Weinzweig and Judge Michael S. Catlett joined. C R U Z, Judge: 11¹ Richard Rynn appeals the superior court's denial of special action jurisdiction over his previously-litigated claims against the City of Avondale, Avondale City Court, and Avondale City Court judge Craig Jennings (collectively "Appellees"). We affirm. FACES AND PROCEDURAL HISTORY 2In 2019, Judge Craig Jennings issued an injunction against harassment ("Injunction") against Rynn as a result of his harassment of a coworker at their mutual place of employment, First Transit. The Injunction was upheld after a hearing on the merits and Rynn appealed to the Maricopa County Superior Court where he fully litigated the matter. 1^{[3} Since May 2020, Rynn filed at least two other actions with the superior court relating to the same Injunction, Both were removed to federal court, fully litigated, and

dismissed with prejudice. *See Ryan v. Fiat Transit, Inc.*, 2:20-cv-01309-jJT, 2021 WL 3209665 (D. Ariz. 2021); *sec also Ryan v. First Transit, Inc.*, 2:21-cv-01.755-OWL, 2021 WL 6050312 (0. Ariz. 2021).

Then, in 2022, Rynn returned to the superior court belatedly seeking special action relief from its rulings in the appeal. The superior court denied special action jurisdiction. Rynn timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") § 12-2101(A)(1). DISCUSSION As a preliminary matter we note that Rynn's opening brief fails to comply with Arizona Rule of Civil Appellate Procedure (" A RCAP") 13. ARCAP 13(a)(7)(A) requires an argument that includes "contentions concerning each issue presented for review, with supporting reasons for each contention, and with citations of legal authorities and appropriate references to the [I record]." "We consider waived those arguments not supported by adequate explanation, citations to the record, or authority." *In re Aubuchon*, 233 Ariz. 62, 65, 'lib (2013)., ¶7 Rynn identifies over thirteen issues for review on appeal, but his arguments are not supported by adequate explanation, citations to the record, or citations to relevant authority. Additionally, Rynn's arguments rely on factual assertions not found in the record. To the extent that Rynn's opening brief can be read to appeal the superior court's denial of special action jurisdiction over his belated filing, we hold the superior court did not abuse its discretion, "A court's decision to decline

or accept special-action jurisdiction is discretionary." *Alpert v. Ariz. Bd. of Psychologist Examiners*, 210 Ariz. 177, 182 (App. 2005). 'If the superior court declines jurisdiction of the special action and does not rule on the merits, we determine only whether the court abused its discretion in declining jurisdiction." *File; v. Bernal*, 2(X) Ariz. t14, 65 (2001). "Generally, a court abuses its discretion where the record fails to provide substantial support for its decision, or the court commits an error of law in reaching the decision." *hi.* ¶9 The superior court denied special action jurisdiction, explaining there was no legal basis for the action and that city judges enjoy absolute judicial immunity in judicial acts. Like in his briefs on appeal, Rynn failed to state discernible claims in his petition for special action before the superior court. To the extent the superior court denied Rynn's petition for failing to state an appropriate ground for relief under Arizona Rule of Civil Procedure 60 ("Rule 60"), that ruling was not an abuse of discretion. Rule 60 lists the grounds for relief from judgment. Depending; on the grounds alleged, Rule 600)) motions must be made within a reasonable time or "no more than 6 months after the entry of the judgment t...j." Rynn's special action was filed three years after the Injunction was issued. All potentially applicable grounds for relief in Rule 60 are now time barred except for that of relief from a void judgment.1111 A judgment is void when the issuing court lacks jurisdiction. *Master Financial, Inc. v. Woodburn*, 208 Ariz. 70, 74,119 (App. 2004), Rynn has not demonstrated, or even argued, that the city court lacked jurisdiction to entertain the matter of the Injunction. The superior court did not abuse its discretion in denying the motion for special action on this basis.1112 The superior court further noted that any claims against Judge Jennings related to his

issuance of the Injunction were barred by the doctrine of judicial immunity because his entry of the Injunction was plainly a judicial act. "[T]he judiciary, in carrying out its functions, is entitled to absolute immunity." *Acevedo by Act'edo v. Pima County Adult Probation Dept.*, 142 Ariz. 319, 322 (1984). Therefore, the superior court did not abuse its discretion when it also denied special action jurisdiction on this basis. ¶¹³The City of Avondale, Judge Craig Jennings, First Transit, Inc., and Patrick Camunez all request an award of attorneys' fees under A.R.S. § 12-349. Attorneys fees may be imposed against a party who brings a claim without substantial justification. A.R.S. § 12-349. As defined in the statute, a claim lacks substantial justification when it is both 'groundless" and "not made in good faith." A.R.S. § 12-349(F). "While groundless is determined objectively, bad faith is a subjective determination." *T'akieh v. O'Meara*, 252 Ariz. 51, 61, ¶37 (App. 2021). "A claim is groundless if the proponent can present no rational argument based upon the evidence or law in support of that claim." *Id.* (citation and internal quotation marks omitted). ¶¹⁴Rynn's appeal of the special action is groundless and not made in good faith. As discussed above, Rynn provides no legal basis for his pursuit of special action relief years after a final judgment was entered and appealed. Rynn has fully litigated his claims related to the Injunction and each has been finally determined. *See Rynn v. First Transit*, 21-16836, 2022 (9th Cir. 2022); *Ryan v. First Transit, Inc.*, 2:20-cv-01309-JIT, 2021 WI, 3209665 (O. Ariz. 2021); *Rynn V. First Transit, Inc.*, 2:21-cv-01755-DWL, 2021 WI, 6050312(D. Ariz. 2021) *Rynn v. First Transit Inc* 2/21 - 01755-PHX-DWL2022 WL 287003(D. Ariz. 2022). Ryan's continuous appeals without a legal basis cannot be considered to be made in good faith. Therefore, we

grant Appellees' request for attorney's fees *upon* compliance with ARCAP 21. RYNN v. AVONDALE, et al. Decision of the Court CONCLUSION We affirm.
Amy Wood Clerk of The Court

SUPREME COURT OF ARIZONA
RICHARD RYNN, Arizona Supreme Court
Plaintiff/Appellant, No, CV-24-0017-PR
AVONDALE COURT, CRAIG JENNINGS,
Et al., Defendants/Appellees. Maricopa County
Superior Court No.CV2022-311203 FILED 01/30/2024
Avondale No. P0201900023S O R D E R On January
28, 2024, Appellant. Rynn, Pro Se filed a "Petition for
Review," "Motion for a Stay on Proceedings and Order
for a Signed Order on Pending Motions Remaining in
Lower Courts" and "Motion to Exceed Word Limit. "A
summary panel consisting of Vice Chief Justice
Timmer and Justices Lopez, Beene, and King having
considered this matter, IT IS ORDERED denying the
"Motion for a Stay on Proceedings and Order for a
Signed Order on Pending Motions Remaining in
Lower Courts," and denying review of the Petition for
Review. IT IS FURTHER ORDERED denying the
"Motion to Exceed Worn Limit" as moot. DATED this
30 day of January, 2024. John R. Lopez Justice

Arizona Supreme Court No. CV-24-0032-SA
Petitioner, Court: of Appeals Division One No. 1 CA-CV
23-0092 RICHARD RYNN, v. HON, CRAIG
JENNINGS, JUDGE OF THE AVONDALE CITY
COURT Maricopa County Superior Court Respondent
Judge, No. CV2022-011208 Avondale Municipal Court
CITY OF AVONDALE, et al, No. PC2019000235 Real
Parties in Interest. FILED 5/14/2024 O R D E R

On. May 2, 2024, a panel composed of Chief justice Brutinel Justice, Bolick, Justice Lopez and Justice Montgomery denied Petitioner Rynn's petition for review in this proceeding. On May 13, 2024, Petitioner filed a motion for reconsideration, which the Court dismissed. on May 13, 2024 under the Arizona Rules of Civil Appellate Procedure Rule 22(f).On May 13, 2024, Petitioner filed a Request. for en bane review seeking an order vacating, the trial court injunction.

In an earlier proceeding, the Court of Appeals has, however, considered and rejected Petitioner's challenge to the injunction: Judge Craig Jennings issued an injunction against harassment ("Injunction") against Rynn as a result of his harassment of a coworker at their mutual place of employment, First Transit. The Injunction was upheld after a hearing on the merits and Rynn appealed to the Maricopa County Superior Court where be fully litigated the matter. Rynn has fully litigated his claims related to the Injunction and each has been finally determined. *See Rynn v. First Transit, 21-16836, 2022 WL 17176487 (9th Cir. 2022); Rynn v. First Transit, Inc., 2:20-cv-01309-JJT, 2021 WL 3209665 (D. Ariz. 2021); Rynr v. First Transit, Inc., 2:21^-cv-01755-DWL, 2021 WL €0503122 (D. Ariz. 2021); Rynn v. First Transit Inc., CV-21-01755-PHX-DWL, 2022287003 (D. Ariz. 2022). Rynn v. Avondale Court, 1 CA-CV 23-00K, 2023 WL 8596484, at *2 (App. Dec. 12, 2023).* This Court denied review on January 30, 2024 and denied Rynn's Motion for Reconsideration on January 91, 2024 in that proceeding. Therefore, **IT IS ORDERED** denying the request for on bane review.**IT IS FURTHER ORDERED** directing the Clerk to accept no further filings in this matter. DATED this 14 day of May, 2024.
JOHN R. LOPEZ IV Duty Justice