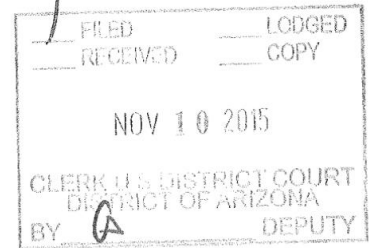


1 LEE & SUESIE HEMPFLING. PRO SE



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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10
11 Lee & Suesie) No.
12)
13 Hempfling;) 2:15-cv-02268-DJH
14)
15 Plaintiffs.)
16)
17 vs.)
18)
19 Amanda Stanford,)
20)
21 Lynn Hurley,) **CIVIL RIGHTS**
22) **COMPLAINT UNDER**
23) **42 U.S.C. § 1983**
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Jurisdiction

1. This action is brought pursuant to 42 U.S.C. § 1983. This Court has subject matter jurisdiction as this action arises under violations of federal law^{1,2,3} and personal jurisdiction as all parties hereto are domiciled in the State of Arizona, all Defendant parties acted in the "clear absence of all jurisdiction,²⁰" not enjoying Judicial Immunity, nor Quasi-judicial immunity, and all parties are within the Jurisdiction of the Ninth Circuit's Arizona District, in Pinal County.⁴

Notice

2. Notice is hereby given that this action is brought against the defendants as named. Notice of Intent to file Suit, which constituted an official claim and

¹ Osborn v. Bank of the United States, 9 Wheat. (22 U.S.) 738 (1824)

² 28 U.S.C. § 1331

³ 42 U.S.C. § 1983 "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." A court clerk is NOT a judicial officer.

⁴ 28 U.S.C. § 1331 "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

1 official complaint, was issued to all parties greater
2 than six months prior to the filing of this action⁵.
3 No party has attempted to take corrective action as
4 required by state law, as all three docket entries
5 regarding the illegal tax intercept placement remain
6 on the Superior Court docket, and the Arizona Tax
7 Intercept Program is still reporting both Plaintiffs
8 as owing money to the Pinal County Superior Court.

9
10 3. The claims of this action arise under federal law.

11
12 4. Plaintiffs are currently under Leave to Proceed in
13 Forma Pauperis with deferment of fees from the
14 Arizona Supreme Court, for filing fees of a Special
15 Action within that court for which there has been no
16 declaration of the end of such deferment, nor has
17 there been any attempt to note the amount of money
18 for the fees to be due and payable as the case is
19 not final⁶. Plaintiffs are also under Leave to
20 Proceed in Forma Pauperis with a deferment from the
21 Pinal County Superior Court for all fees and costs
22 and no order has issued cancelling that leave as the
23 case is not final¹⁵.

24 **Complaint**

25 _____
26 ⁵ Accepted by Alice Knox, agent 4/20/2015 for Amanda Stanford, Accepted
27 by Alice Knox, agent 4/20/2015 for Lynn Hurley.

28 ⁶ See letter from Jeffrey P. Handler Clerk of the Court of Appeals Division
Two

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5. This action is brought for violation of the Fourteenth Amendment's Constitutional rights of equal protection and due process^{7,8,3} under the color of law, and to the rights to protection of property through the Fifth Amendment not to have private property be taken for public use or deprived of private property without due process of law⁹ and the rights to be secure from unreasonable seizures afforded by the Fourth Amendment.^{10 47}

6. On April 20, 2015 notice of intent and complaint was issued to review the action of Debt Offset placement.¹¹ The setoff procedure was not stayed

⁷ 18 U.S.C. § 242: Civil action for deprivation of rights

⁸ United States v. Classic, 313 U.S. 299, 326 (1941) "Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law."

⁹ Reporting to the Arizona Tax Intercept Program is placing a lein on potential tax refunds. It is a seizure. It is creating a debt against the person or persons placed upon and is no different a debt than any other form of debt. It is confiscation of receipt of monies pending the action of another party. A.R.S. § 42-1122 It is also a debt reported to credit rating services the same as a garnishment, or a confiscation by government and a seriously detrimental act.

¹⁰ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

¹¹ A.R.S. § 42-1122 H. If, within thirty days of the mailing of the notice, the taxpayer requests a review by the agency or political subdivision or provides the agency or political subdivision with proof that an appeal has been taken to the appropriate court, the agency or political subdivision shall immediately notify the department and the setoff procedure shall be stayed

1 pending resolution of the review or appeal as
2 required by state law. The notice of intent
3 constituted statements with specificity, why the
4 Plaintiffs claim the obligation does not exist & why
5 the obligation is incorrect¹². Except the debt was
6 not imposed by any court. It was imposed by
7 defendants acting as a court. No notice of intent to
8 place the set off was ever mailed to Plaintiffs.
9 Placement was immediate with notification in email
10 after the fact of the first placement without
11 reference to the second and third placements.

12
13 7. Plaintiffs are active parties to an open and
14 unfinished Superior Court civil action that is in
15 default status. The Bill of Rights is most applicable
16 in its 4th, 5th and 14th Amendments to active
17 participants in a legal proceeding; where
18 Plaintiffs' position is an unmistakable focus of
19 those Amendments. The rights afforded to an active
20 participant of an active legal case are not vague
21 nor amorphous at all.

22
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24 _____
pending resolution of the review or appeal.

25 ¹² A.R.S. § 42-1122 J. Subsections E, G, H and I of this section do not
26 apply to a debt imposed by a court except that the taxpayer shall receive notice
27 of the intent to set off the debt against the refund due and the right to appeal
28 to the court that imposed the debt within thirty days of the mailing of the
notice. The basis for the request for review shall not include the validity of
the claim and shall state with specificity why the taxpayer claims the
obligation does not exist or why the obligation is incorrect.

1 8. Arizona Code of Judicial Administration Part 5:¹³ is
2 violated as no final judgment or order has issued in
3 the case¹⁵; Pinal County Policy And Procedure 3.30
4 Code Of Conduct Abuse Of Position is violated in
5 numerous sections; and the Arizona Code Of Conduct
6 for Judicial Employees is violated in RULE 2.6. All
7 state laws and requirements create binding
8 obligations and none contain any enforcement
9 mechanisms. The rights afforded to an active
10 participant of an active legal case by these laws
11 and rules are not vague nor amorphous either.

12
13 9. The violations addressed by this action interfere in
14 a judicial proceeding (ARS 13-2810) by knowingly
15 disobeying and resisting the lawful mandate of a
16 special action by the Arizona Court of Appeals⁴²; by
17 pretending to act as judicial officers and declaring
18 a loser in the case without a court order; and
19 interfering with federally-protected rights through
20 misuse of power entrusted to Defendants under state
21 law and took place in Pinal County, Arizona within

22
23 ¹³ Court Operations Chapter 2: Programs And Standards Section 5-206: Fee
24 Deferrals And Waivers: Section J In Compliance With Administrative Order
25 2011-03 As provided in A.R.S. § 12-302(F), all outstanding fees and costs
26 must be paid within thirty days following the entry of final judgment or
27 order. On entry of judgment, decree, final order or mandate of the appellate
28 court, the court shall send the applicant notice of any costs or fees due.
The notice shall advise the applicant of the date the payment is due and
instructions on how to file a supplemental application for further deferral
or waiver of court fees and costs. The notice shall advise the applicant that
if no application is filed the court may enter a judgment by consent.

1 the office of the Clerk of the Superior Court,
2 specifically April 1 and April 2, 2015 and other
3 dates as may be discovered; and continue unabated.

4
5 10. This action contains violations of the ARIZONA
6 CODE OF JUDICIAL ADMINISTRATION "Payment of deferred
7 court fees become due upon entry of the judgment or
8 final order... Notice of Deferred Court Fees and
9 Costs Due on Entry of Judgment or Final Order." ⁴¹

10
11 11. Amanda Stanford had established an official
12 policy "to go after millions of dollars that are due
13 and owing - by maximizing usage of Tax Intercept
14 Programs at both the state and federal level."⁴⁰

15
16 12. Since NO final judgment, NOR final order has
17 been entered on the docket of this case^{14 16}, nor
18 served to any party to the case, not signed by any
19 Judge overseeing the case, NO payment of deferred
20 court fees is due. Neither the deferred Superior
21 Court fees, nor the deferred Supreme Court fees are
22 due.^{15 41}

23
24 ¹⁴ Roche emails to Sun 12/28/2014 7:32 PM; email to Roche with previous
25 follow up Sun 11/23/2014 10:58 AM; roche from Mon, 24 Nov 2014 and Wednesday,
26 April 02, 2014; roche email Tue 11/25/2014 11:34 AM; roche email Wed 4/2/2014
27 2:08 PM

28 ¹⁵ Revised Statutes §12-302 Extension of time for payment of fees and
costs; relief from default for nonpayment; deferral or waiver of court fees and
costs; definitions F. At the time an applicant signs and submits the application
for deferral to the court, the applicant shall acknowledge under oath and sign
a consent to judgment. By signing the consent to judgment, the applicant

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13. The Clerk of Court holds discretionary powers to determine whether or not, and when, or not when to invoke the process of referring a collection proceeding to a third party, such as the state of Arizona's Tax Offset Program, a process which is an integral part of the judicial system⁴⁸ when performed with jurisdiction²⁰.

14. Clerks do not hold discretionary powers to determine if a debt is owed to the Court, that is an integral part of the judicial system reserved for a judicial officer¹⁶ and a consent decree or judgment. That rests solely with the Judge assigned to that specific case through a very specific set of legal criteria.

15. Absent the existence of a valid final order or final judgment, the clerk, whose job it is to administer the clerical duties associated with judicial proceedings, and not that of conducting or

consents to judgment being entered against the applicant for all fees and costs that are deferred but that remain unpaid after thirty calendar days following the entry of final judgment or order.

¹⁶ A "judicial officer", afforded absolute judicial immunity, is one defined as: "usually authorized to determine dispositive matters." Clerks are not authorized to determine anything. Clerks do enjoy quasi-judicial immunity when performing a function directly related to the court's decision-making activities or carrying out a judicial order. *Walten v Denlinger* 05-5170 Us District Court Eastern District Pennsylvania quoting *Lockhart v. Hoenstine*, 411F.2d455,460 (3dCir.1969); *McKnight v. Baker*, 415F.Supp.2d559,563 (E.D.Pa.2006).

1 deciding them; may not determine the status of a
2 case²⁰, except in the instance of default.

3
4 16. There are two methods to secure a Default in
5 Arizona Court. By Entry: Arizona Rules of Civil
6 Procedure, Rule 55(a) Application and entry:¹⁷ By
7 Order: Arizona Rules of Civil Procedure, Rule 55(b).
8 Judgment by default: By motion.¹⁸

9
10 17. A motion was filed with the Superior Court in
11 the case referenced herein, for Default by Motion on
12 December 30, 2011 with the notarized affidavit for a
13 sum certain of the amount due attached and filed.
14 Such motion contained another notice of the
15 commission of a crime in the beginning of the case
16 which had been noticed to the court and all parts
17 twice prior in filings made. No judicial response to
18 that motion, that included all defendants and recited
19 the facts of the case, and that has been filed, has
20 been publicly issued by the court.

21
22 18. An order that was insufficient and VOID on its

23
24 ¹⁷ "All requests for entry of default shall be by written application to
25 the clerk of the court in which the matter is pending." "...the clerk shall
enter that party's default in accordance with the procedures set forth..."

26 ¹⁸ "When the plaintiff's claim against a defendant is for a sum certain or
27 for a sum which can by computation be made certain, the Court upon motion of
28 the plaintiff and upon affidavit of the amount due, and without a hearing, shall
enter judgment for that amount and costs against the defendant, if the defendant
has been defaulted for failure to plead or otherwise defend and is not an infant
or incompetent person."

1 face (following a closed and private hearing in the
2 Court in January of 2012 to which parties were not
3 permitted to attend) was issued on February 14, 2012
4 that did not mention the allegations of criminal
5 activity, but did dismiss the case with prejudice,
6 and was not filed but was mailed as a conformed copy.

7
8 19. That order and all subsequent orders including
9 the collection attempts, the lodging of legal fees
10 by Defense Counsel improperly appearing (the
11 Superior Court had never recognized counsel for the
12 majority of defendants), the documents of May 3, 2012
13 and the tax offset were the subject matter of the
14 Special Action filed with the Appeals Court⁴⁹. All
15 orders are VOID, in part as the case is in default
16 status due to the commission of a high crime or
17 crimes in the beginning of the case and no valid and
18 legal order is filed on the active case docket. If
19 the Appeals Court followed their own special action
20 60 C (4) case law and that of the Arizona Supreme
21 Court in a Special Action based in Rule 60 C(4) VOID
22 they would have had to accept jurisdiction over the
23 VOID orders unless those VOID orders were VOID
24 because the case was already ADJUDICATED as a
25 DEFAULT, wherein the Appeals Court would not have
26 jurisdiction. The reasoning of the Appeals Court
27 decision on the special action has not been made
28 public.

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20. On May 3, 2012 in compliance with Administrative Order 2012-04 all civil cases assigned to Judge Boyd T. Johnson (presiding over the Hempfling case) were reassigned or assigned to Judge Pro Tem Bradley M. Soos. **"Effective immediately,** IT IS HEREBY ORDERED that all Civil (CV) Cases assigned to the Hon. Boyd T. Johnson, including any new Civil cases prospectively assigned to said judge by Administrative Order #2012-92, are hereby reassigned or assigned to the Hon. Bradley M. Soos, Judge Pro Tempore." That order was filed at 3:55PM.

21. On May 3, 2012 an order was filed with the clerk's office at 4:20PM signed by Judge Boyd T. Johnson (not including all defendants with other errors), after he was no longer associated with the case by administrative order. Another order was generated on the same date for one defendant (leaving one defendant unmentioned in either document) but was issued as a conformed copy. Not all defendants were included in the total of both orders. The "filed" order had been written by defendant counsel. That order was VOID on its face.

22. The issue of VOID (A.R.S. Rules of Civil Procedure, Rule 60(c). Mistake; inadvertence; surprise; excusable neglect; newly discovered

1 evidence; fraud, etc.¹⁹) was raised in filings with
2 Judge Soos and then in a Special Action filed with
3 the Arizona Court of Appeals Division Two on numerous
4 grounds and additionally filed with the Arizona
5 Supreme Court. By the time of filing alone, the order
6 and all subsequent document activity are not valid.
7 By the status of a case in default the orders and
8 all subsequent activity are not valid.

9
10 23. The order of May 3, 2012 that worked its way
11 through the Special Action process was stamped LODGED
12 at 5:32PM and **is not and was not ever** a part of the
13 case as it was VOID the moment it was signed. Any
14 competent Clerk viewing that document would see a
15 filed stamp and a lodged stamp. Even without
16 knowledge of the Administrative Order removing Judge
17 Johnson before the document was signed and filed with
18 the clerk, such time stamps would loudly indicate
19 the document was not a part of the case. A document
20 that has been 'lodged' with the Clerk is a document
21 that is associated with the case but not part of the
22 official court record.

23
24 24. According to the attachment image screen shot
25 taken of the Clerk's docket system by Lynn Hurley

26
27 ¹⁹“On motion and upon such terms as are just the court may relieve a party
28 or a party's legal representative from a final judgment, order or proceeding
for the following reasons: ... (4) the judgment is void;”

1 and included with the letter mentioned in this
2 complaint, indication is given that the Clerk's
3 office did not assign Judge Soos to the case until
4 May 10, 2012 (although the Administrative order was
5 immediate) and shows the case status as ADJUDICATED
6 although does not show when or to what end.

7
8 25. Such adjudication cannot be based on a document
9 not active on the docket but only lodged and signed
10 by a Judge not assigned to the case. Hurley and
11 Stanford's assertion that the case is 'over' and that
12 there would be no further motions or orders was based
13 on that entry of ADJUDICATED and two documents: a:
14 the MANDATE of the Appeals Court of the Special
15 Action dated March 10, 2014 referencing the Appeals
16 Court's order rendered on October 2, 2013 (which only
17 applied to the Special Action and not the case as
18 indicated by Jeffrey Handler Clerk of that court ²¹);
19 and the 'Order/Ruling' document dated March 25th 2014
20 and listed on the docket as March 25, 2014 but
21 stamped filed on March 27, 2015 simply stating "The
22 Court of Appeals having issued its Mandate denying
23 special action jurisdiction, IT IS ORDERED closing
24 this case and all future hearings are vacated."

25
26 26. The Court of Appeals issued an order on September
27 19, 2013 that it accepted the petition and would
28 consider the petition for Special Action without oral

1 argument. The order dated October 2, 2013 of the
2 Appeals Court ordered to decline jurisdiction.
3 Jeffrey Handler referred to that order as a
4 decision²¹.

5
6 27. On April 2, 2014 then Clerk of the Superior Court
7 Chad Roche stated, "The ORDER that shows up on the
8 25th would be the draft of the order filed on the
9 27th ... Once the final order is completed and signed
10 the draft will be deleted and replaced with the
11 actual order ... As far as I see right now, there
12 won't be anything else coming because the judge's
13 final ruling closes the case."^{14 21}

14
15 28. The final order that is not yet completed and
16 signed has not been posted to the docket. The
17 placeholder order showing up on the 25th is still
18 there and referenced by Hurley and Stanford as proof
19 nothing else will be filed or served. Judge Soos'
20 order of March 25 2014 closing the case does not
21 preclude, nor prohibit the court from entering final
22 orders or judgment, especially when there are none
23 already on the docket.

24
25 29. Fees are collectable if such fees "remain unpaid
26 after thirty calendar days following the entry of
27 final judgment or order." AzRCP 12-302(F). Not only
28 are the fees not due as there is no final order or

1 judgement, but to declare that the case is over and
2 that therefore the only thing remaining is the
3 collection of fees, deprives the Plaintiffs of our
4 right to due process and equal protection as
5 **defendants are extending the authority to declare a**
6 **default to the authority to declare a loser in the**
7 **case itself as Arizona law requires the payment of**
8 **fees by the losing party.** The debt at issue has NOT
9 been imposed by a court. Clerks are NOT judicial
10 officers and have NO RIGHT OF LAW to determine what
11 an 'adjudication' is. If an adjudication does exist
12 that has not been noticed; has not been served and
13 has not been made public, it can only be in
14 Plaintiffs' favor as the case is in default.

15
16 30. Neither Stanford, nor Hurley bothered to
17 determine whether the docket's notation of
18 'ADJUDICATED' was in favor of the Plaintiffs or not
19 as such check was not necessary, and would have
20 indicated more than a reactive decision to carry out
21 the malicious harm they intended to inflict. Had they
22 checked to see if the case had been won or lost by
23 the Plaintiffs they would have found no valid order
24 granting a win or loss to anyone, as would be the
25 apparent standard practice for a civil case **held up**
26 **by a parallel criminal one.**

27
28 31. They would have found both of the May 3 2012

1 orders as lodged and not filed. They would have
2 found the Decision of the Special Action would have
3 had to be based in the Appeals' Court lack of
4 jurisdiction in a default.

5
6 32. Hurley and Stanford acted in the "clear absence
7 of all jurisdiction."²⁰

8
9 33. The mandate of the appellate court was only for
10 the special action, not an appeal²¹ or the case
11 itself. Jeffrey P. Handler Clerk of the Court of
12 Appeals Division Two stated: "...this court's mandate
13 issued March 10, 2014, and constituted the final
14 order as far as the special action which arose from
15 your case. I assume that since **only the special**
16 **action was decided, the "final order" in the case**
17 **must await further proceedings in the trial court..."**
18 in Pinal County Civil case # S-1100-CV-201102200
19 HEMPFLING vs CVDC HOLDINGS filed 6/6/2011 ; a case
20 **IN DEFAULT** DUE TO THE COMMISSION OF CRIMES IN THE
21 CLERK'S OFFICE CONFIRMED BY THE WITNESSING OF THE
22 OFFICIAL DOCKET BY A DEPUTY CLERK AS DETAILED IN THE

23
24
25 _____
26 ²⁰ Clerks qualify for quasi-judicial immunity; "unless these acts were
27 done in the clear absence of all jurisdiction." See Stump v. Sparkman, 435 U.S.
28 349, 355-57, 98 S.Ct. 1099, 1104-05, 55 L.Ed.2d 331 (1978); Harris, 780 F.2d at
914.

²¹ See letter from Jeffrey P. Handler Clerk of the Court of Appeals Division
Two dated July 21, 2104:

1 CASE DOCUMENTS and noticed repeatedly to the court:²²
2 a condition Lynn Hurley, in her previous capacity as
3 confidant and public information officer of the Chad
4 Roche Clerk administration, was well aware of.²³
5

6 34. Regarding a previously erroneously submitted Tax
7 Intercept process, a letter was sent to the office
8 of the County Attorney on July 10, 2013,²⁴ to which
9 no reply was received, that "As the representative
10 of the county, we demand that the office of the Pinal
11 County Attorney intervene and stop the commission of
12 this crime immediately." Almost immediately the
13 reporting of the Social Security number assigned to
14 Lee Hempfling was removed from the Arizona Tax
15 Intercept Program (that constituted a complaint
16 required in law to then withdraw the tax intercept
17 pending determination of the status of that action,
18 which never happened). No other reporting was made
19 to the Arizona Tax Intercept Program. Such act,
20 including the denial of an In Forma Pauperis motion
21 for waiver were subjects of the special action. No
22 action has taken place in this case since the place
23

24 ²² As the docket indicates the Superior Court did not even recognize the
25 counsel for the majority of the defendants as having properly appeared. Both
26 the Appeals and Supreme Courts likewise did not recognize the counsel for the
27 majority of defendants as properly appearing and no defendant appeared in either
28 higher court to defend any Special Action pleadings.

²³ Lynn Hurley letter Tue 7/30/2013 8:30 AM

²⁴ Letter Pinal County Attorney Office July 10, 2013

1 holder notice-order²⁵ was placed on the docket March
2 25, 2014.

3
4 35. Without direct knowledge as to what the delay in
5 issuing the final order-ruling has been caused by
6 **(but assuming a parallel criminal issue as law would**
7 **dictate)**, Plaintiffs had made contact with the former
8 Clerk of the Superior Court on numerous prior
9 occasions while he was serving in that capacity¹⁴,
10 receiving prompt, courteous and professionally
11 ethical correspondence in return.

12
13 36. When the newly elected Clerk of Court took office
14 we reached out to her for information.^{26,27,28,29} This
15 correspondence was in printed U.S. mail. No response
16 was forthcoming from the new clerk until 20 days
17 later and that was in email²⁷ in which no question
18 was answered.

19
20 37. Plaintiffs waited until March 25th, one year to
21 the day that the notice-order placeholder was put on
22 the official docket to respond to her email²⁸. We
23 waited until April 1, 2015 to once again follow up

24
25 ²⁵ roche email Wed 4/2/2014 2:08 PM

26 ²⁶ Amanda Stanford Letter January 20, 2015

27 ²⁷ Stanford email response Mon, 9 Feb 2015 17:39:38 -0700

28 ²⁸ Email to Amanda Stanford Wed, 25 Mar 2015 18:31:48 -0700 response with
letter

1 with Amanda Stanford²⁹ wherein we urged a response to
2 the March 25th query and once again provided copies
3 of the prior official Clerk Chad Roche
4 communications. The response we received was
5 unethical, arrogant, intentionally malicious, and
6 incorrect, violated rules and was criminal³⁰.

7
8 38. The response³⁰ originated from Lynn Hurley, who
9 was not addressed in the inquiry, but had substantial
10 prior knowledge and was fully aware of the case in
11 question, and took part in the previous problem
12 addressing the same tax intercept issue²⁰ previously
13 solved by the County Attorney's Office. Hurley's
14 attack response is copied to Amanda Stanford,
15 obviously at her direction and with her permission
16 to show compliance, and to Odette Apodaca, a business
17 manager who was copied in the original query.

18
19 39. According to the Arizona Code Of Conduct for
20 Judicial Employees a deputy clerk is permitted to
21 provide assistance to Litigants (C) [to] explain
22 legal terms, [but] without providing legal
23 interpretations by applying legal terms and concepts
24

25
26 ²⁹ To: AStanford@courts.az.gov, oapodaca@courts.az.gov Wed, 01 Apr 2015
27 13:42:09 -0700

28 ³⁰ Hurley, Lynn response letter and thread Wed, 1 Apr 2015 16:03:30 -0700
see also DVD audio files of Tax Intercept confirmations.

1 to specific facts³¹. Ms. Hurley, in blatant violation
2 of that rule; lectured:

3
4 a. "Perhaps your difficulty lies in not
5 understanding a few legal terms and I will take
6 this opportunity to help you and guide you in
7 your understanding. An "adjudicated" case means
8 that it is finished. It is closed. There are no
9 further actions, motions, findings or rulings on
10 an adjudicated matter. The legal dictionary
11 defines this term as follows:"

12
13 40. Her quoted definition states:

14
15 a. "Adjudication: The legal process of resolving a
16 dispute. The formal giving or pronouncing of a
17 judgment or decree in a court proceeding; also
18 the judgment or decision given. The entry of a
19 decree by a court in respect to the parties in
20 a case. It implies a hearing by a court, after
21 notice, of legal evidence on the factual
22 issue(s) involved. The equivalent of a

23 ³¹ RULE 2.6 Assistance to Litigants A judicial employee shall assist
24 litigants to access the courts by providing prompt and courteous customer
25 service and accurate information consistent with the employee's
26 responsibilities and knowledge and the court's resources and procedures while
27 remaining neutral and impartial and avoiding the unauthorized practice of
28 law. Employees are authorized to provide the following assistance: (C)
Explain legal terms, without providing legal interpretations by applying
legal terms and concepts to specific facts;

1 determination. It indicates that the claims of
2 all the parties thereto have been considered and
3 set at rest.
4

5 41. The quoted definition of 'Adjudication' is from
6 the Free Dictionary ([http://legal-
7 dictionary.thefreedictionary.com/adjudication](http://legal-dictionary.thefreedictionary.com/adjudication)). In
8 fact, the case is far from closed. A clerk cannot
9 make a legal determination of no "further actions,
10 motions, findings or rulings" without interfering in
11 the judicial proceeding and aiding the defense. No
12 claim of any party had been set at rest¹⁴. Former
13 Clerk Chad Roche directly attested. Appeals Court
14 Division Two Clerk Jeffrey P. Handler said so⁶.
15 Amanda Stanford, Clerk of the Superior Court knew
16 so, by having the former clerk's letters in her
17 possession and Lynn Hurley knew so from her previous
18 trusted and confidant position in the office of the
19 Clerk of Court as well as having admitted to reading
20 all of the documents attached to the letter she was
21 replying to.
22

23 42. She then proceeded to treat a self-represented
24 litigant with disdain:

25
26 a. "This means, Ms. Hempfling, that there are no
27 further motions or orders. What is attached for
28 your reference are the last two actions

1 regarding this closed matter. As you can see,
2 all that remains is the portion of your payback
3 to the court for fees incurred.⁴²

4
5 b. Your balance is \$686.00. These fees were
6 temporarily deferred, however your supplemental
7 application for waiver of court fees was denied
8 on August 27, 2013 by the Judge. [...] A payment
9 plan was set up on December 7, 2012 for \$50.00
10 per month to commence on January 1, 2013. No
11 payments, to date have been made on this account.
12 Because no payment has been received, the fees
13 owed on this case have been placed into the Tax
14 Intercept Program (TIP). I appreciate that you
15 have brought the matter of your outstanding fees
16 to my attention so they can be properly
17 collected. Please learn more about this program
18 here:

19 [http://www.azcourts.gov/courtservices/Consolida](http://www.azcourts.gov/courtservices/ConsolidatedCollectionsUnit/DebtSetOffProgram.aspx)
20 [tedCollectionsUnit/DebtSetOffProgram.aspx](http://www.azcourts.gov/courtservices/ConsolidatedCollectionsUnit/DebtSetOffProgram.aspx)". NO
21 internal accounting process had identified the
22 case as owing fees.

23
24 43. The fees should also include the Arizona State
25 Supreme Court fees, to which she does not elude and
26 we have questioned. We also did not bring anything
27 to her personal attention. Ms. Hurley admits:

1 a. "I am in receipt of your email below, and have
2 read the entire litany of correspondence between
3 yourself and this office. I do find the tone of
4 your most recent email difficult to fathom,
5 considering that your inquiries were met by this
6 Administration with courtesy and due
7 promptness."

8
9 44. There had been no courtesy and no promptness and
10 having read the 'litany of correspondence', which
11 included Chad Roche definitively pronouncing the
12 case was NOT a "closed matter" and the "portion of
13 your payback to the court for fees incurred" is not
14 all that remains, and is in fact not even ripe for
15 collection and when it is a default prevailing for
16 the Plaintiffs under Arizona law A.R.S. 12-341 the
17 Plaintiffs will recover all costs expended or
18 incurred from the losing parties, making the owing
19 of any fees impossible.

20
21 45. Yet Ms. Hurley managed to, at the obvious
22 direction and knowledge of the Amanda Stanford and
23 the office manager, once again, yet this time not
24 erroneously, turn the debt over to the Arizona Debt
25 Set Off Program (tax intercept program) on April 1,
26 2015, placing such order on the official docket³²

27
28 ³² docket of 4/4/ 2015, copy also from 10/04/2015

1 WITHOUT SERVING to the plaintiffs that such was
2 placed on the docket; The allotted five days to serve
3 passed without receipt of any documents placed on
4 the docket dated April 1, 2015. [See DVD file LKH.]

5
6 46. Then again on April 2, 2015 she and or another
7 person at her and Amanda Stanford's direction placed
8 another debt turn over to the Arizona Debt Set Off
9 Program (tax intercept program) for another
10 collection in the name of Suesie Hempfling, WITHOUT
11 SERVING to the plaintiffs that such was placed on
12 the docket; The allotted five days to serve passed
13 without receipt of any documents placed on the docket
14 dated April 2, 2015. [See DVD file SKH.]

15
16 47. A deputy clerk told Lee Hempfling on the phone
17 after receipt of Hurley's email that the internal
18 accounting records showed Lee Hempfling as PAID IN
19 FULL (the clerk was indeed perplexed but it does
20 explain why no internal accounting process
21 identified any fees due). Yet the same office is
22 apparently seeking to collect a total of \$1372.00
23 from tax intercept (with both Plaintiffs reported
24 separately for debt set off), a harm placed upon us
25 for both the money and the potential damage to credit
26 and the violation of our 14th Amendment guaranteed
27 rights to due process and equal protection under the
28 law, our rights to protection of property through

1 the 5th Amendment, and our rights to be secure from
2 unreasonable seizures afforded by the 4th
3 Amendment⁴⁷.

4
5 48. Stanford and Hurley are personally using their
6 office and positions apparently attempting to
7 maliciously collect TWICE for the same amount THAT
8 IS NOT DUE AND IS NOT LEGALLY RIPE!

9
10 49. This blatant misuse of authority, under the
11 color of law, is facilitated by the nearly one and a
12 half year delay in the release of the final order-
13 ruling in the civil case this is in regards to; the
14 over FOUR year period since crimes were reported to
15 a deputy clerk and to the court in filings, to have
16 occurred in the Clerk's office and in blatant
17 disregard for the law, the written instructions and
18 essentially written testimony of the previous
19 elected Clerk of Court and the Appeals Clerk of Court⁶
20 and any cursory review of the documents in the case
21 on the official docket by a competent person would
22 also indicate the same.

23
24 50. There is NO final order on the docket in this
25 case. Just reading the headlines as if it were the
26 Internet docket and looking up definitions of legal
27 terms in a free online dictionary is not sufficient
28 to overcome prior personal knowledge¹⁹, the

1 officially issued statements of the previous elected
2 Clerk, rules and regulation of a court clerk, the
3 oath of office by court clerks and the time and
4 status stamps placed by the Clerk's office on
5 pertinent documents.

6
7 51. This is also defendants acting as Judges in the
8 case, at the direction of the Amanda Stanford,
9 making a determination of the case being finished
10 and applying that illegal ruling in retribution and
11 retaliation in a direct and illegal interference of
12 a judicial proceeding in a clear absence of all
13 jurisdiction.

14
15 52. Amanda Stanford and Lynn Hurley have struck
16 back, maliciously retaliated against the Plaintiffs,
17 self-represented litigants within the Pinal County
18 court system who do not owe the court a dime until
19 there is a final ruling issued (and then, by law such
20 debt would be that of the Defendants') and until the
21 status of In Forma Pauperis is revoked for payment
22 of deferred fees in a final order and consent decree.
23 Neither have ever happened¹⁵. Furthermore, this case
24 is in default as witnessed by 'Rebecca' a deputy
25 clerk in the Apache Junction satellite office of the
26 Clerk of the Superior Court and advised repeatedly
27 to the Superior Court beginning in August of 2011.

28
⁴¹

1
2 53. Through direct and reprehensible violations,
3 under the color of state law⁴⁷ and established process
4 of Arizona Code of Judicial Administration Part 5:
5 Court Operations Chapter 2: Programs And Standards
6 Section 5-206: Fee Deferrals And Waivers: Section J
7 In Compliance With Administrative Order 2011-03³³
8 with no final judgment or order having issued in the
9 case¹⁵; Pinal County Policy And Procedure 3.30 Code
10 Of Conduct Abuse Of Position violated in numerous
11 sections; and the Arizona Code Of Conduct for
12 Judicial Employees violated in RULE 2.6 Amanda
13 Stanford and Lynn Hurley acted under the color of
14 law through violation of law, rules, and regulations
15 to willfully deprive and cause to be deprived the
16 rights of Plaintiffs under the Fourteenth
17 Amendment's rights to equal protection and due
18 process under the law and to the rights to protection
19 of property through the Fifth Amendment not to have
20 private property be taken for public use or deprived
21 of private property without due process of law and
22 the rights to be secure from unreasonable seizures
23 afforded by the 4th Amendment⁴⁷.

24
25 ³³ As provided in A.R.S. § 12-302(F), all outstanding fees and costs
26 must be paid within thirty days following the entry of final judgment or
27 order. On entry of judgment, decree, final order or mandate of the appellate
28 court, the court shall send the applicant notice of any costs or fees due.
The notice shall advise the applicant of the date the payment is due and
instructions on how to file a supplemental application for further deferral
or waiver of court fees and costs. The notice shall advise the applicant that
if no application is filed the court may enter a judgment by consent.

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54. Amanda Stanford and Lynn Hurley acted under the color of law to cause willful injury, intimidation and malicious interference⁴² by forceful claim to monetary property rights of Plaintiffs because of Plaintiffs' activity as participants in an activity provided by the local Superior Court and Court Clerk's office, namely participation in an open and ongoing action in Superior Court, following the Plaintiffs' **identifying and reporting illegal activity within the Pinal County Superior Court Clerk's office while both Stanford and Hurley were employees thereof and for publicly supporting the re-election of the prior Clerk of Court.** Previously, before the election, both Stanford and Hurley had blocked Plaintiff Lee Hempfling's ability to read their Twitter accounts due to the **support of Stanford's political opponent.**

55. 42 U.S. Code § 1983 - Civil Action for Deprivation Of Rights³: Amanda Stanford and Lynn Hurley are liable to the Plaintiffs in an action at law, suit in equity, or other proper proceeding for redress. A declaratory decree was made up from whole cloth and thin air by defendants masquerading as Judges in declaring the case to be over in violation of their oath of office and the rules of the Court Clerk and state law⁴² A.R.S. 13-2810 by knowingly

1 disobeying and resisting the lawful mandate of a
2 special action by the Arizona Court of Appeals;
3 knowingly disobeying and resisting the lawful
4 process of the Superior Court and knowingly
5 disobeying and resisting the lawful orders of the
6 Superior Court. NO signed final judgment NOR signed
7 final order has been entered on the docket and served
8 in this case. The case is NOT FINISHED^{15,6}. Therefore,
9 no declaratory relief is otherwise available.

10
11 56. As attested by Appeals Court Division Two Clerk
12 Jeffrey P. Handler⁶ and former Pinal County Superior
13 Court Clerk Chad Roche¹⁵: NO entry of judgment nor
14 final order exists issued on the docket in the case
15 # S-1100-CV-201102200 HEMPFLING vs CVDC HOLDINGS
16 filed 6/6/2011 Pinal County Superior Court.

17
18 57. There is a major difference between "all
19 outstanding fees and costs must be paid within thirty
20 days following the entry of final judgment or order"
21 (final judgment or order means final judgment or
22 final order, not any order especially one where a
23 decision of the Appeals Court was mandated regarding
24 it) and the time that "the court shall send the
25 applicant notice of any costs or fees due." Basing
26 defendants' decision to collect (at least TWICE) on
27 the law, it is impossible to not be in violation⁴².
28 Doing so only in reaction to a query for information

1 from self-represented (Pro-Se) litigants who were
2 vocal proponents of the former clerk's reelection;
3 as retaliation is willful intimidation with malice³⁴,
4 intended to deprive not only the rights of the self-
5 represented litigants in a civil case before the
6 court afforded to Plaintiffs by state and federal
7 law but is a severe hardship and financial harm with
8 at least TWICE the debt reported for collection.

9
10 58. Since no service of process, nor proper notice
11 was accomplished for documents placed on the docket
12 April 1 and 2, 2015 Plaintiffs are unaware of who or
13 what entity those documents were addressed to, what
14 they were for other than knowledge and evidence to
15 be entered in this case showing Arizona Tax Intercept
16 placement as contained in audio recordings made of
17 the state notice of collection.⁴³

18
19 59. Pinal County Policy and Procedure 3.30 Code Of
20 Conduct Abuse Of Position³⁵: Amanda Stanford and Lynn

21
22 ³⁴ Billings v. Lafferty, 31 Ill. 318, 322 (1863) (clerk of court); Reed v.
23 Conway, 20 Mo. 22, 44-52 (1854) (surveyor-general); Weeks, supra, at 210.

24 ³⁵ Employees should always perform their duties with courtesy and respect
25 for the public and for co-workers and without bias or prejudice, manifest by
26 words or conduct, based upon race, religion, national origin, gender, sexual
27 orientation, disability, or political affiliation. Amanda Stanford knows very
28 well that we supported her opponent for his ethics in the last election. See
the First contact with Stanford August 2014 email thread before her swearing
in. "Amanda Stanford @Stanford4Clerk to @SuesieTp no clue on the hold up. Now
I'm a citizen on the outside but I believe the voters will change that soon.
Write & ask for update." "Suesie Hempfling @SuesieTp to @Stanford4Clerk been
there done that.. not much help... but it will happen, I trust Chad Roche"
"Amanda Stanford @Stanford4Clerk to @SuesieTp good luck with that." "Suesie

1 Hurley did **not** perform their duties with any degree
2 of courtesy and respect and did manifest by words
3 and conduct bias for political affiliation. Both
4 Amanda Stanford and Lynn Hurley knew very well that
5 Plaintiffs supported her opponent for his ethics in
6 the last election. The defendants did **not** act
7 impartially in a manner consistent with law and the
8 public interest. Stanford and Hurley used public
9 resources, property, and funds under their control
10 and responsibility to turn the office of the Clerk
11 into a debt collection agency, not for the public
12 purpose of the office of the Clerk, intended by law,
13 and in collection efforts under that policy against
14 the Plaintiffs' that are not legal.

15
16 60. Official policy was established Stanford and
17 finally announced to the public during a Pinal County
18 Board of Supervisor's financial budget meeting by
19 Lynn Hurley on April 15, 2015³⁶ just 13 days after

20 Hempfling @SuesieTp to @Stanford4Clerk i don't need luck, i need ethics."

21 Employees should perform their duties impartially in a manner consistent with
22 law and the public interest un-swayed by kinship, position, partisan interests,
23 public clamor, or fear of criticism or reprisal. Each employee should use the
24 public resources, property, and funds under the employee's control and
25 responsibility for the public purpose intended by law and not for any private
26 purpose. All duties shall be performed with honesty and truthfulness without
27 falsification in any manner. ABUSE OF POSITION Employees should not: treat any
28 individual more or less favorably because of their race, color, creed, religion,
national origin, age, sex, disability, political affiliation, or the exercise
of rights secured by the First Amendment of the United States Constitution;

³⁶ Transcript of prepared and approved remarks before the Pinal County
Board of Supervisors April 15, 2015 available in Stanford's private Clerk
Facebook page.

"We come before you today to ask that - in the pursuit of golden
eggs that you not kill the goose who produces them. Clerk Stanford has a

1 Stanford and Hurley illegally applied that policy
2 under the color of law^{43,36}.

3
4 61. Establishing and executing a policy with the
5 sole intent to "help the overall situation for our
6 County" is not within the lawful execution of the
7 elected office of Clerk of Court³⁷.

8
9 62. Amanda Stanford and Lynn Hurley, without a
10 doubt, treated Plaintiffs less favorably in part,
11 because of their political affiliation and prior
12 support of Stanford's political opponent Chad Roche
13 (who had purportedly previously discharged Hurley
14 from her position as Public Information Officer);
15 because of their objections to being ignored and
16 their letter asking for a response to questions asked
17 and the emotional reaction to that letter and the
18 emotional disdain and anger of Stanford and Hurley

19 solid financial background and wanted me to convey to you that the Clerk's
20 office has been underutilized in terms of revenue generation. We are able
21 - with adequate staffing levels - to go after millions of dollars that
22 are due and owing - by maximizing usage of Tax Intercept Programs at both
23 the state and federal level, as well as increased utilization of FARE -
24 which stands for Fines/Fees and Restitution Enforcement program. We intend
25 to drastically improve collection efforts. These monies do not go back to
26 the Clerk's office but are a help to you at the General Fund Level. If we
27 are allowed to function at levels that are productive but not wasteful,
28 we will be able to help the overall situation for our County...and as team
29 players that's what we want to do! To cross the finish line in July of
30 2016 in better shape than this fiscal year!"

31 ³⁷ Arizona Revised Statutes, Title 12 - Courts and Civil Proceedings,
32 Chapter 2 Judicial Officers And Employees, Article 8 Clerk of Superior Court,
33 12-284.03. Distribution of fees 9. In the county general fund, the following
34 percentages: (b) 32.10 per cent if the county treasurer is serving in a county
35 with a population of five hundred thousand persons or less according to the
36 most recent United States decennial census.

1 at seeing letters from Chad Roche as evidence;
2 because of their having uncovered felony corruption
3 within the Office of the Pinal County Clerk of Court,
4 while both Stanford and Hurley were employees of it
5 in or about August of 2011.

6
7 63. Both Lynn Hurley and Amanda Stanford were
8 employees of the Pinal County Clerk of Court's office
9 when corruption was uncovered in illegal activity in
10 the Clerk's office and later. The first time improper
11 collection of undue fees was attempted Hurley handled
12 the inquiry ^{23,24} and according to Stanford, "...I have
13 been with the Clerk's office for six years," Stanford
14 stated. "Every financial decision has crossed my
15 desk..."³⁸ Both, were well aware of the previous
16 situation. Stanford also stated: "I know that the
17 voters of Pinal County want to hold their elected
18 officials to a higher standard, and I welcome the
19 opportunity to be held to the highest standard
20 possible...the electorate deserves no less."

21
22 64. "We hope that your interaction with the Office
23 of the Clerk of the Superior Court has been a
24 pleasant one, and we hope to serve you again soon.
25 We appreciate that you are keeping up with all of
26 the great things that are happening here at the

27
28 ³⁸ <http://www.santanvalley.com/news/item/11557-long-time-pinal-county-resident-amanda-stanford-announces-run-for-clerk-s-office>

1 office via our social media! Thank you again for
2 writing.”

3 Lynn Hurley.

4
5 65. This matter is serious. Malfeasance in office
6 has caused Plaintiffs to be reported for debt
7 collection we do not owe. TWICE (or more). To have
8 caused us to have rights violated⁴⁷ and prohibitions
9 of personal reprisal violated against us in a
10 CRIMINAL and reprehensible use of official power and
11 authority, under the color of state law⁴⁷. Corruption
12 of this nature cannot be tolerated in any elected
13 office. Amanda Stanford (who touts herself as
14 restoring ethics to the office) and Lynn Hurley,
15 acting under the color of law have misused their
16 official positions to inflict malicious retaliation
17 and punishment, just for being asked for information
18 by Pro-Se litigants in an ongoing and active judicial
19 proceeding.

20
21 66. Plaintiffs have shown that that we have
22 suffered, and have through tax collection actions
23 been threatened with a concrete and particularized
24 legal harm, and that there is a sufficient likelihood
25 that we will again be wronged in a similar way³⁹ as
26 we have no other venue to seek information about our

27
28

³⁹ Canatella v. California, 304 F.3d13-356722843, 852 (9th Cir. 2002)

1 delayed and withheld civil case than the office of
2 the Clerk of the Court, which we obviously now cannot
3 trust, nor seek information from without further
4 retaliation and intimidation by the defendants.

5
6 67. We are ostracized from the clerk's office
7 without a final order, without the ability to find
8 out why the case is delayed and now we suffer
9 FINANCIAL and CREDIT RATING harm and an attack on
10 our federally protected rights; because of it and
11 the reckless, illegal and reprehensible conduct of
12 Amanda Stanford and Lynn Hurley. We reserve the right
13 to add to this action, any other person, or entity
14 subsequently discovered to have participated.

15
16 68. This complaint contains detail, more than
17 sufficient to create a first impression reasonable
18 expectation that discovery will surface evidence of
19 wrongdoing⁴⁴. This complaint also shows as an issue
20 of first impression, that the ultimate actions were
21 not judicial and were beyond the scope of the
22 defendants' jurisdiction and the ultimate
23 activities were performed without authority⁴⁰.

24
25 69. All factual allegations contained herein are

26
27 ⁴⁰ Ashelman v. Pope, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc),
28 overruling Rankin v. Howard, 633 F.2d 844 (9th Cir. 1980), cert. denied, 451
U.S. 939 (1981).

1 fully supported with direct evidence, referenced for
2 each that prove the allegations to be plausible. No
3 recital within this complaint of specific law
4 violations is a mere conclusory statement. All
5 references are factual allegations. This complaint
6 states a highly detailed and supported plausible
7 claim for relief⁴⁵. There are no "more likely
8 explanations" for defendants' conduct. Each factual
9 allegation in this complaint details the
10 constitutional right Plaintiffs believe was
11 violated; the name of the Defendant(s) who violated
12 the right; exactly what Defendants did or failed to
13 do; how the action or inaction of that Defendant is
14 connected to the violation of Plaintiff's
15 constitutional right; and what specific injury
16 Plaintiffs suffered because of that⁴⁶.

Relief Requested

1
2
3 70. For this, we respectfully request this court to
4 order:

5 1: Monetary consideration in the amount of a minimum
6 of \$1372.00 from each Amanda Stanford and Lynn
7 Hurley,
8

9 2: A substantial punitive award from each Amanda
10 Stanford and Lynn Hurley to be determined by the
11 trier of fact,
12

13 3: Reimbursement by Defendants of all court fees
14 incurred in bringing this case.
15

16 4: Equitable relief based on what the trier of fact
17 deems fair and within its powers to enforce.
18

19 71. As long as Amanda Stanford and Lynn Hurley are
20 in the positions they hold, Plaintiffs are continuing
21 to suffer the acts perpetrated by them as detailed
22 in this action as removal of tax intercept is
23 required by law after complaint and could only have
24 been ignored through a decision of the defendants.
25 Their illegal acts disqualify both for governmental
26 office and employment and tarnish and stain the
27 administration of Justice in Pinal County and in the
28

1 Federal District of Arizona.

2
3 72. This civil remedy is the only avenue available
4 for justice.⁴¹
5
6
7

8
9 ⁴¹ <http://trac.syr.edu/tracreports/civright/107/> "Justice Department data
10 show that federal prosecutors declined to file charges against virtually all -
11 - 98.7% -- of the individuals who the investigative agencies had concluded were
12 in violation of 18 USC 242."
13

14 ⁴¹ Arizona Revised Statutes 12-341. Recovery of costs: The successful
15 party to a civil action shall recover from his adversary all costs expended or
16 incurred therein unless otherwise provided by law.
17

18 ⁴² Arizona Revised Statutes 13-2810. Interfering with judicial
19 proceedings: A 2. Disobeys or resists the lawful order, process or other mandate
20 of a court; B. Interfering with judicial proceedings is a class 1 misdemeanor.
21

22 ⁴³ CD housing audio file recordings of Arizona Tax Intercept messages for
23 both Plaintiffs and the video of Lynn Hurley's announcement of the Clerk's
24 office policy regarding collections before the County Board of Supervisors.
25

26 ⁴⁴ "[A] complaint must contain sufficient factual matter, accepted as
27 true, to 'state a claim to relief that is plausible on its face.'" Id. (quoting
28 Bell Atlantic v. Twombly, 550 U.S. 544 (2007)).

⁴⁵ Ashcroft v. Iqbal, 556 U.S. 662 (2009).

⁴⁶ Rizzo v. Goode, 423 U.S. 362, 371-72, 377 (1976).

⁴⁷ LONG V. COUNTY OF LOS ANGELES 442 F.3d 1178 (9th Cir. 2006)

⁴⁸ MULLIS v UNITED STATES BANKRUPTCY COURT FOR the DISTRICT OF NEVADA;
United States Court of Appeals, Ninth Circuit. Decided Sept. 24, 1987.

⁴⁹ Defense counsel for the majority of defendants was never recorded as
having properly appeared in the Superior Court. No defense counsel appeared in
the Appeals Court, nor the Supreme Court and the same missing counsel was
omitted from the dockets of those higher courts.

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Dated: November 9, 2015



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Lee Hempfling

Suesie Hempfling

LEE & SUESIE HEMPFLING. PRO SE



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CERTIFICATE OF MAILING OR DELIVERY

On November __, 2015 a copy of this document was:

■ mailed First Class, postage pre-paid

Served to:

Amanda Stanford, Personally %

[Redacted]

Lynn Hurley, Personally %

[Redacted]