

Supreme Court, U.S.
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No. 23A1101

IN THE SUPREME COURT OF UNITED STATES

RICHARD RYNN
Plaintiff/Appellant,
v.

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

APPLICATION TO VACATE WORKPLACE INJUNCTION
TO THE UNITED STATES COURT OF APPEALS FOR
THE ARIZONA SUPREME COURT

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PARTIES TO PROCEEDING

AVONDALE COURT CRAIG JENNINGS, STATE OF ARIZONA, CITY OF AVONDALE, SHAYLEY MATHEWS, PATRICK CAMUNEZ, FIRST TRANSIT

Rynn V Avondale court, First Transit, Et Al
Avondale city court case No. P02019000235 Superior Court case No. LC2022-000265 and No.CV-2022-011208 Arizona Court of Appeals Case No. 1 CA-CV 23-0092 ARIZONA SUPREME COURT Case No. CV-24-0032

DIRECTLY RELATED CASES

Rynn V First Transit Ninth Circuit Case No. 23-15869
D.C. 2:20-cv-01309-JJT (PHOENIX)
pending under appeal to U.S. Supreme Court Case No. _____

Rynn V Mckay Arizona District court Case No. 2:18-cv-00414 JJT
pending under appeal to U.S. Supreme Court Case No. _____

Rynn V UHS Case No.: CV2020-094244-pending
Arizona Court of Appeals Division One Case No: 1 CA- CV 23-0392- pending

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Shayley Mathews V Richard Rynn Avondale city court case No. P02019000235 pending Writ to Review 8/22/2022 to Superior court case No. LC2022-000265

Rynn V Avondale court, First Transit, Et Al, Superior Court case No. LC2022-000265 8/26/2022 Unsigned Ruling (ID 7)

Superior Court case No. CV-2022-011208

Arizona Court of Appeals Case No. 1 CA-CV 23-0092

Arizona Supreme Court Case No. CV-24-0032

Issues Presented

1. Does court have jurisdiction to vacate ex parte work place injunction without notice, without obtaining authorization of the workplace and based on actions of employees at the control and direction of employer?
2. Is work place ex parte injunction without notice void for insufficient service and insufficient service of process?

Jurisdiction

Supreme court of Arizona denied Appellants motion to vacate defective work place injunction on May 14 2024. Appellant timely filed this Appeal to vacate workplace injunction. This court has jurisdiction per 28 U.S. Code § 1253 and 28 U.S.C. § 1651 all writs act for direct appeal from void judgements, denial

of vacating defective workplace injunction, denial of rights to due process, without addressing all factual relevant matters in dispute.

STATEMENT OF CASE

Appellant Rynn filed writ of Mandamus in Superior court to vacate void workplace injunction, from Avondale city court, obtained without jurisdiction of the workplace on May 13, 2019, by fraud, perjury, not following rules of due process, in violation of Title VII Civil Rights Act, insufficient service of process without serving Rynn. (ID 1, 3, 4, 8) (ID 12 pg. 2-3) (ID 40 pg. 4-5) and conduct constituted abuse of authority. Avondale city court judge Craig Jennings flagrantly violated rules of constitutional oath in Article VI, Arizona Constitution, Article 6 section 26, intentionally disregarded the law and Rynn Sixth Amendment rights.

Courts failed to address merits of Rynn Writ, complaint, Motion to Vacate/Dismiss defective workplace injunction. (ID 91 pg. 2) Avondale city court judge Craig Jennings unconstitutionally acted ex parte, without legal authority, without jurisdiction, without cause, illegally granting a defective work place injunction on May 13, 2019 without notice and without obtaining authorization from the work place. (ID 90 pg.2)

This Superior court case originates from an unsigned judgement on Superior Court case No. LC2022-000265 8/26/2022 Unsigned Ruling. (ID 7)

The Court of appeals and Arizona Supreme court judgements are void, based on unsigned judgement, jurisdictional defects, legal validity of unsigned orders on Case No. LC2022-000265. Unsigned order Superior court Case No. LC2022-000265. (ID 7) Superior court case No. LC2022-000265 is not a signed order and requires a signature per ARS Rule 11(a)(1). (ID 7)

Rule 11(a)(1) (a)Signature. (1) Generally. Every pleading, written motion, and other document filed with the court or served must be signed by at least one attorney of record in the attorney's name- or by a party personally if the party is unrepresented. The court must strike an unsigned document unless the omission is promptly corrected after being called to the filer's attention.

Supreme court of Arizona and court of Appeals failed to address Avondale court Craig Jennings, Avondale city, Shayley Mathews was not a party to the District court cases and District court did not take jurisdiction over Avondale court workplace injunction. (ID 29 pg. 22-32, pg. 71-78)

PROCEDURAL HISTORY OF CASE

On May 13, 2019 Avondale city court judge Craig Jennings, illegally granted a workplace injunction ex parte without notice on May 13, 2019 without lawful jurisdiction on unestablished facts and without an affidavit of irreparable harm. (ID 91 pg. 4) (ID 90 pg.2) Injunction based on false workplace accusations from Shayley Mathews from Febraury 2019. The February 2019 workplace accusations was not disclosed to Rynn until June 3, 2019. On May 13, 2019 defective injunction granted without an affidavit of service and without an affidavit of why an ex

parte injunction was granted. (ID 90 pg.2) Craig Jennings and Mathews failed to obtain authorization from the workplace that is legally required for a workplace injunction per ARS 12-1810 (A) and Title VII.

see Shayley Mathews V Richard Rynn Avondale city court case No. P02019000235. (ID 91 pg. 4)

Later Rynn not served injunction until May 20, 2019 and filed motion to dismiss, squash injunction. (ID 59 pg. 12) Avondale court set up hearing on June 3, 2019. On June 3, 2019 Mathews filed in Avondale court Mathews work place accusations from Febraury 2019 and employer First Transit Memorandum given to Mathews in April 2019. (ID 5 pg. 20)

But Mathews failed to provide Mathews Febraury 2019 work place accusations and Mathews First Transit Memorandum (ID 5 pg. 20) to Rynn. Rynn first obtained Mathews Febraury 2019 work place accusations and Mathews First Transit Memorandum (ID 5 pg. 20) after Avondale court hearing on June 3, 2019. Rynn has since filed multiple motions in year 2019 to year 2023 to dismiss/vacate injunction in Avondale court and Avondale court judge Craig Jennings refuses to answer to Rynn motions. (ID 12 pg. 4-5)

Rynn filed 8/22/2022 Writ of Mandamus Rynn V Avondale court, First Transit, Et Al Superior Court case No. LC2022-000265 to dismiss/vacate

injunction based on Avondale court judge Craig Jennings failure to answer to Rynn motions. (ID 8 pg. 5) (ID 12 pg. 4-5)

Superior Court case No. LC2022-000265 unsigned ruling (ID 7) transfer case to Superior Court case No.CV-2022-011208 but court failed to address unsigned ruling void without a signature and never corrected the unsigned Superior Court case No.CV-2022-011208 ruling dismissed case without addressing Rynn motions filed in Avondale court. Rynn appealed to Arizona Court of Appeals case No. 1 CA-CV 23-0092 and appealed to ARIZONA SUPREME COURT case No CV-24-0017-PR and appealed again to ARIZONA SUPREME COURT case No. CV-24-0032-SA. Prejudicial errors courts failed to address void orders, unsigned orders, defective workplace injunction and Rynn pending motions to dismiss/vacate.

Courts failed to support adequate explanation why a workplace injunction is on Avondale court and Arizona Supreme court record from work place accusations that were not disclosed to Rynn. (ID 8 pg. 7)

1. What date workplace accusations disclosed”
2. Who disclosed workplace accusations?
3. Why a work place injunction was granted ex parte without notice and without authorization from the workplace?

4. Why a workplace injunction is granted against employee Rynn from actions at the direction of employer First Transit during scope of employment?
5. Courts failed to explain legal validity of work place injunction granted without following due process requirements requiring disclosure and notice.

Petition for injunction defective on its face, does not specify a threat to life, does not specify what injunction is for and does not specify actions at the workplace. (ID 91 pg. 2-3) (ID 101 pg. 2-20) (ID 91 pg. 2-20) (ID 12 pg. 4-5)

Case arises on February 2019 at the workplace of Defendant First Transit from Defendant First Transit failure to disclose employee Mathews written grossly false and defamatory accusations such as "*wife and him are considered child abusers*", "*stalker*" against Rynn, Rynn wife, and Rynn kids after a normal consensual work place conversation about Rynn District court case No. 2:18-cv-00414 JJT Rynn v Mckay assigned judge John Tuchi. (ID 8 pg. 7) (ID 89 pg. 14-15)

Employer First Transit newly hired employee Shayley Mathews on December 2018 to work for First Transit Tempe facility. (ID 94 pg.5)

Mathews required and directed by First Transit supervisor Cris Hamm to work and talk to coworker Richard Rynn at First Transit Tempe facility

between December 2018 to February 2019 to perform duties for employer First Transit. (ID 94 pg.5) Mathews one day wrote false work place accusations to First Transit HR on around February 20, 2019 about Rynn and wife without any disclosure to Rynn.

Then on May 13, 2019 Mathews retaliated filed false accusations ex parte to Avondale court for a work place injunction based on Mathews February 2019 false work place accusations without knowing First Transit failed to disclose to Rynn what was written on Mathews February 2019 accusations. (ID 59 pg. 14-15) Rynn complained in June 2019 to First Transit for discrimination and negligence failure to disclose Mathews February 2019 accusations. **"I was not told"** (ID 95 pg.7)

Mathews erred and wrote First Transit as employer and Mathews **as agent for** employer First Transit on Mathews accusations filed in Avondale court on May 13, 2019. Mathews was **not authorized as an agent** for employer First Transit. (ID 91 pg. 2)

Mathews also met and had illegal ex parte communication with Avondale court judge Craig Jennings on May 13, 2019 (ID 91 pg.4) based on Mathews February 2019 work place accusations without any notice and **without serving Rynn** to Avondale court, and **without disclosure what was written** on Mathews February 2019 work place accusations in violation of due process. (ID 101 p. 2-3)

Avondale city court Craig Jennings illegally granted a work place injunction ex parte on May 13, 2019 without authorization of First Transit from Mathews February 2019 work place accusations and based on error using First Transit as agent name for a workplace injunction, (ID 91 pg.2) without notice and without disclosure of what was written on Mathews February 2019 work place accusations and without obtaining an authorization from Mathews employer First Transit in violation of ARS 12-1810 (A) and in violation of due process. see Avondale court docket no summons, no affidavit of service and no affidavit of why an ex parte injunction was granted ex parte. (ID 91 pg.4)

Rynn first learned on June 3, 2019, what was written about Rynn on Mathews February 2019 false work place accusations and also first learned on June 3, 2019, what was written on Memorandum Defendant gave to Shayley Mathews. (ID 5 pg. 20) Rynn denied due process by Defendant employee Mathews obtaining an ex parte work place injunction without notice on May 13, 2019 and continuing the work place injunction without disclosure of the memorandum given to Shayley Mathews. (ID 5 pg. 20) (ID 8 pg. 6-7) Defendant First Transit wrote to Mathews on April 26, 2019 *“we could not confirm all of the details of your report”* (ID 5 pg. 20) (ID 8 pg. 6-7)

First Transit not able to verify Mathews Febraury 2019 report of accusations that Avondale court based its May 13, 2019 workplace injunction on, substantiating fraud on the court, unfair trial. The Memorandum (ID 5 pg. 20) that Rynn discovered on June 3, 2019 in Avondale court was not given to Rynn until after Avondale court hearing on June 3, 2019. Rynn had to ask the Avondale court clerk for a copy of Mathews February 2019 accusations and asked for a copy of Defendant First Transit memorandum that Defendant gave to Mathews but not to Rynn. (ID 5 pg. 20) see No filing from Mathews until hearing. (ID 101 pg. 5) (ID 98 pg. 6)

Jurisdictional defects per ARS 4(3) Service. A summons must be served with copy of pleading. Service must be completed before injunction judgement may be granted, it must be considered Avondale court failed to obtain personal and subject matter jurisdiction over Plaintiff Rynn. (ID 91 pg. 2-4) (ID 5 pg. 14)

First Transit by Memorandum agreed with Rynn that Mathews was not credible. Employer First Transit wrote by Memorandum to employee Mathews on April 26, 2019 “We could not confirm all of the details of your report” (ID 5 pg. 20) (Mathews accusations from Febraury 2019).

Court failed to address credibility of Mathews, Defendant failure to disclose Mathews accusations and employer First Transit admitting on Memorandum (ID 5 pg. 20) employee Mathews accusations not credible, not

verified. Avondale court work place injunction is based on work place accusations from Mathews that are not credible.

Rynn has not been provided a hearing on the lack of disclosure of Mathews accusations and the credibility of Mathews February 2019 accusations.

District court conceded that Mathews Memorandum (ID 5 pg. 20) was different than the memorandum given to Rynn. (ID 29 pg. 22-32, 71-78)

Those differences such as Defendant failure to disclose and Defendant Memorandum writing to Mathews substantiating lack of credibility of Mathews February 2019 accusations was not addressed by the court in violation of rights to due process and in violation of Rynn constitutional rights to a fair trial.

First Transit Lynn Mclean directed Patrick Camunez to drive to Avondale court as a witness for Shayley Mathews but failed to disclose to Avondale court that Camunez is not a credible witness as Camunez not hired until March 2019 and had no knowledge of Mathews February 2019, accusations from one month earlier. (ID 94 pg.5)

LEGAL ARGUMENT IN SUPPORT TO VACATE DEFECTIVE WORK PLACE INJUNCTION AND LIABILITY TO DEFENDANTS

May 13, 2019 Avondale court Injunction says "*The court finds*" Defendant Rynn did not receive actual notice of this hearing and did not have an opportunity to participate. box has no x beside sentence of notice. Defendants

failed to serve Rynn to May 13, 2019 injunction. No summons on record in violation of ARS Rule 4.1, or 4.2. Injunction Required vacated based on Insufficient service, insufficient service of process, lack of personal jurisdiction. See ARS Rule 12 (b)

A summons must be served with a copy of the pleading. Service must be completed as required by this rule, Rule 4.1, or 4.2.

Defendants do not have any rights to grant a workplace injunction from Rynn and Mathews acts in February 2019 directed by employer First Transit. Defendants failed to obtain legal authorization from the EEOC that is required to investigate claims of work place discrimination before going to court. Rynn protected by workplace discrimination laws and Rynn obtained a right to sue letter for Defendants discriminating against Rynn. (ID 5 pg. 10)

Under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA) Prejudicial error requires corrections, workplace injunction without notice void on its face requires vacating by law. Workplace Injunction does not show what type of injunction was for (ID 91 pg. 2) and not authorized by the workplace and does not show a threat or irreparable harm as required per ARS Rule 65(b) (1) (A)(B)(2). Injunction does not follow rules off due process and was not filed with the Equal Employment Opportunity

Commission EEOC as required for an injunction based on workplace accusations. (ID 5 pg. 12, pg. 17)

Avondale court does not have jurisdiction to grant a workplace injunction without first obtaining authority from the EEOC. EEOC is required to investigate before filing a workplace discrimination complaint in court. Workplace injunction based on actions caused by employer First Transit that was in control of employee Mathews and Rynn during scope of employment in February 2019. Courts failed to Review void injunction obtained without following legal due process requirements and workplace discrimination requirements of the EEOC, void judgements, obtained without jurisdiction, denial to vacate defective workplace injunction denial for a new trial from new discovered evidence and fraud for an abuse of discretion. (ID 12 pg. 2-3)

Significant grounds exist for a new trial to vacate defective work place injunction and liability to Defendant First Transit as employer of employees Shayley Mathews and Richard Rynn.

Court failed to address declaratory relief to vacate work place injunction that was entered in violation of due process is an abuse of discretion. (ID 91 pg. 2) Plaintiff gives fair notice of claims against Defendants with requisite specificity based on new evidence and fraud with contradictions between the evidence and judgements that court failed to address causing prejudice

against Plaintiff by failing to provide a new trial on the merits. Court failed to address district court orders void, not resolved workplace injunction, Mathews not a third party to First Transit. (ID 29 pg.22-32) (ID 94 pg.5) Defendant First Transit hired employee Shayley Mathews December 2018 and directed Shayley Mathews to work with First Transit employee Richard Rynn. (ID 94 pg.5)

Court of Appeals and Arizona Supreme court concedes injunction based on actions at workplace but failed to address injunction is based on actions caused by employer First Transit that was in control of employee Mathews and Rynn during scope of employment in February 2019. First Transit is responsible for breaching Rynn employment contract by failing to provide a safe place for Rynn to work and failing to prevent retaliation, discrimination and harassment against Rynn. Defendant Employer responsible for perjured testimony of its employees in Avondale court on May 13, 2019 and June 3, 2019. Defendant First Transit contractually agreed to liability for dishonesty and dishonesty in the court from its employees. (ID 95 pg. 8-10)

First Transit employment policy says: (ID 95 pg. 8-10)

“Dishonesty giving knowingly or maliciously false testimony in a work related investigation or proceeding. Making false statements concerning employees of the company, any form of retaliation, for speaking up about perceived bias, harassment or discrimination, or retaliation for providing information related to any investigation into such matters is a separate violation of the companys harassment free workplace policy

such conduct may also be unlawful. If complaint cannot be substantiated the company may take appropriate action providing a work environment free from harassment.

Employer is responsible for workplace injunction entered without following statutory requirements that required the employer authorization for a workplace injunction.

Court failed to address Defendant First Transit breached employment contract by violating employment policy with Rynn. Defendant violated Defendant policy from dishonest employees making false work place accusations against Rynn at work and repeating those false accusations in Avondale court without disclosure of those same written accusations.

Defendant had knowledge of employee accusations and knew the accusations from Mathews were not verified and failed to disclose Mathews work place accusations to Rynn. (ID 90 pg. 2) Defendant is responsible for damages from its employees abuse of the process obtaining a defective workplace injunction ex parte without disclosing the accusations to Rynn. (ID 5 pg. 12, pg. 17) Acts of Mathews and Rynn was for the profit of First Transit.

District Court erred about Mathews place of employment. Mathews worked for First Transit at First Transit Tempe facility not for a third party. (ID 29 pg.22-32 pg. 71-78) Both Mathews and Rynn worked for the same employer First Transit. Mathews February 2019 reported accusations (ID 5 pg. 12, pg. 17) about Rynn and Mathews accusations (ID 5 pg. 12, pg. 17) was filed in Avondale court for a

work place injunction based on actions of Mathews and Rynn directed by Defendant First Transit in the scope of employment. Rynn falsely blamed for actions of employer Defendant for the profit of First Transit.

An official satisfies the personal responsibility required of § 1983 if she acts or fails to act with a deliberate or reckless disregard of plaintiff's constitutional rights, or if the conduct causing the constitutional deprivation occurs at her direction or with her knowledge or consent. *Smith v. Rowe*, 761 F.2d 360, 369 (7th Cir.1985)

1. ARS 12-1810 (A) Workplace Injunction without employer authorization is void and fraudulent on its face. Avondale court did not obtain employer authorization for a work place injunction and failed to provide any evidence of acts at the work place that require a work place injunction. (ID 12 pg. 2-4)

Employer First Transit denied any actions at the workplace that required an injunction. (ID 101 pg.2) Defendants failed to provide factual evidence to support a work place injunction. The record does not show a workplace injunction and does not show authorization from the workplace and does not have any record of disclosure to Rynn, and does not show a threat that is required for an ex parte injunction without notice. (ID 8 pg. 6-7)

2. Defendant failed to disclose Mathews February 2019 written accusations. (ID 5 pg. 12, pg. 17) Plaintiff Rynn first learned on June 3, 2019 in Avondale court what was written on coworker Shayley Mathews February 2019 workplace accusations. (ID 5 pg. 12, pg. 17) Plaintiff first learned and

obtained the February 2019 work place accusations including defamatory false accusations of child abuser, stalker from three months later on June 3, 2019 in Avondale court. Rynn has not been given due process by Defendants accusations been entered ex parte in Avondale court on May 13, 2019 and Defendants failure to disclose work place accusations. (ID 5 pg. 12, pg. 17)

First Transit manager Mclean admitted failing to inform Rynn, substantiated by Mclean answers under oath to interrogatory #10 and #11 ***“unclear if shown to Plaintiff”***. (ID46 pg. 2-3)

Court **failure to disclose** Mathews February 2019 accusations and **failed to rule on relevant evidence of Defendant First Transit** manager Mclean admitting failure to disclose in answers to interrogatories of ***“unclear”*** #10 and #11, (ID46 pg. 2-3) that substantiate Defendant failure to disclose Mathews February 2019 accusations to Rynn is a prejudicial error requires correction, reverse and remand, vacate injunction.

Rynn denied rights to due process, denied right to know work place accusations (ID 5 pg. 12, pg. 17) against Rynn. Employer failed to disclose Mathews accusations to Rynn and Rynn employer in breach of contract with Union of Operating Engineers and Rynn. Under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA) the

accused has the right to know what specifically they are being accused of. The right to fully respond to allegations and defend themselves. This includes providing witnesses, evidence, and their full side of the story.

Sixth Amendment guarantees right to public trial, right to lawyer, right to impartial jury, **right to know who accusers are, nature of charges, and evidence against you.**

Rynn not provided rights under Title VII, sixth and fourth amendment. Case arises out of factual multiple violations of Rynn employment rights, civil and constitutional rights of due process by Defendants failure to disclose Mathews accusations. (ID 5 pg. 12, pg. 17)

The fifth amendment, fourteenth amendment guarantee right to due process and ex parte motions due to their exclusion of one party (Rynn) violate Rynn right to due process. (ID 8 pg. 6-7)

It is well known where Defendant falsification of facts comes to lite such as a lie about informed knowing Rynn was not informed of what Defendants employee Mathews wrote on Febraury 2019, to Defendant. The falsification provides a basis for reopening case under ARS and Rule 60(b) and 60 (d) of federal rules of procedure to vacate workplace injunction. Rule 60(d) Other Powers to Grant Relief. This rule does not limit court's power to: (1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(6) any other reason that justifies relief.

(1) entertain independent action to relieve party from judgment, order, proceeding;

(2) grant relief to defendant as provided in Rule 59(g); or

(3) set aside judgment for fraud on the court.

In *United States v. United States Gypsum Co.* the Supreme Court stated that Federal Rule of Civil Procedure 52(a) provides that “a finding is ‘clearly erroneous’ when reviewing court on entire evidence is left with the definite and firm conviction that a mistake has been committed.” Essentially, appellate court must determine that a finding is unsupported by substantial, credible evidence in the record to meet this standard. *Interstate Circuit v. United States*, 306 U. S. 208, and *United States v. Masonite Corp.*, 316 U. S. 265. When appellate court determines that lower court’s finding of fact is clearly erroneous, appellate court is required to reverse that finding.

Rule 52 (a) FINDINGS AND CONCLUSIONS.

(1) an action tried on the facts without jury, court must find the facts specially and state its conclusions of law separately

(5) *Questioning Evidentiary Support.* Plaintiff may later question the sufficiency of the evidence supporting the findings, Plaintiff may object to them, and move to amend the findings.

(6) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must be set aside when clearly erroneous.

Per Rule 52 (a)(1)(5)(6) Plaintiff objected to courts factual findings as unsubstantiated to the record and moved to amend the findings and filed an amended complaint. (ID 58-59) Court must set aside findings of fact that contradict to clearly substantiated credible

evidence to the record. Failing to set aside is an abuse of discretion required to be reversed on appeal.

Its an abuse of discretion failing to review new evidence substantiating fraud, failing to rule on amended complaint with additional claims, motion for summary judgement on the merits as required per Rule 15(3)(b) failing to resolve damages of negligence, defamation, false light, fraud, etc. caused from Defendant reckless disregard to disclose false accusations of “*child abuser*”, “*stalking*”. (ID 5 pg. 12, pg. 17) (ID 89-102)

Court erred failed to consider substantial relevant evidence such as lack of disclosure of accusations from Mathews, (ID 5 pg. 12, pg. 17) and Rynn complaints. Because Rynn is pro se, court must consider as evidence Rynn opposition to summary judgment all of Rynn contentions offered in motions and pleadings, where such contentions are based on personal knowledge and set forth facts that would be admissible in evidence, and where Rynn attested under penalty of perjury that the contents of the motions or pleadings are true and correct including motion for new trial, summary judgement, statement of facts. (ID 40 pg. 4-5)(ID 89-102)

McElyea v. Babbitt, 833 F.2d 196, 197 (9th Cir.1987) (verified pleadings admissible to oppose summary judgment); Johnson v. Meltzer, 134 F.3d 1393, 1399-1400 (9th Cir.1998) (verified motions admissible to oppose summary judgment); Schroeder v. McDonald, 55 F.3d 454, 460 n. 10 (9th Cir.1995) pleading counts as “verified” if the drafter states under penalty of perjury that the contents are true and correct.

3. Declaratory relief to vacate defective workplace injunction, and compensation required per ARS Rule 65 (5) (c) (1). Workplace Injunction defective on its face, obtained ex parte without notice, without an affidavit of a threat of violence, in violation of state

and federal requirements of ARS Rule 65(b) (1) (A)(B)(2). A threat of irreparable harm is required to obtain an injunction without notice. Defendant failed to produce an affidavit that is required to obtain an injunction without following rules of due process that requires notice. (ID 101 pg.2) (ID 5 pg.29) (ID 8 pg. 6-7)(ID 90 pg. 2)

4. Rynn motions pending in Avondale court for over three years not addressed in violation of due process. (ID 8 pg. 5)

Every matter submitted for determination to a judge of the Superior court for decision shall be determined and a ruling made not later than sixty days from submission thereof, in accordance with Section 21. Article VI of the Arizona Constitution. (ID 8 pg. 5)

See Beltran v. Santa Clara County. 514 F.3d 906 (9th Cir. 2008)
and Gault, 387 U.S. 1 (1967) (U.S. supreme court)

Avondale court rulings void by not addressing Rynn rule 59 motion for new trial (ID 40) and motion to vacate in Arizona Supreme court and Avondale court. (ID 5 pg. 31) (ID 5 pg. 31) Rynn motions pending in Avondale court not addressed illegal entry on Arizona Supreme court database of injunction not expired and continues in violation of Rynn constitutional rights to a workplace free of discrimination from an injunction entered without authorization of the workplace. Violations of Act (ADEA). Title VII Civil Rights Act of 1964 See ARS 12-1809. M. The Supreme court maintains a central repository for injunctions including defective workplace injunction from Avondale city court.

5. Injunction based on hearsay from Shayley Mathews. Avondale court granted workplace injunction by ex parte without notice based on hearsay from First Transit employee Mathews February 2019 work place accusations without disclosing

Mathews accusations to Rynn. (ID 5 pg. 12, pg. 17) (ID 40 pg. 11) First Transit does not confirm or deny what Shayley Mathews wrote on February 2019. First Transit April 26, 2019 Memorandum to Shayley Mathews said "*We could not confirm all of the details of your report*" "*kept it impartial and objective*" (ID 5 pg. 20) First Transit confirmed Shayley Mathews on February 2019 consented to working and talking to Richard Rynn. District court (ID 29 pg. 22-32 pg. 71-78) failed to address evidence of Memorandum (ID 5 pg. 20) confirming Mathews consented to working with Rynn.

6. Not addressed perjury, Patrick Camunez not hired by First Transit until March 2019. (ID 94 pg.5) Patrick Camunez not qualified as a witness in Avondale court for workplace accusations that occurred in February 2019 (ID 5 pg. 12, pg. 17) one month before Camunez was hired by First Transit. Disputable facts not resolved Per Ariz. R. Civ. P. 54 (c) Judgment as to All Claims and Parties. Court failed to resolve disputable facts by denying Plaintiff motion for new trial (ID 40) is an abuse of discretion that requires reverse and remand for evidentiary hearing and a new trial. Court must address fraud, void judgements, defective injunction caused by the workplace, decisions containing erroneous determinations of fact and law.

District court conceded the foundation of the Avondale court workplace injunction IAH is false (ID 29 pg.22-32, pg. 71-78) but failed to address liability and damages from employer First Transit caused from a false foundation of IAH workplace injunction and Employers are vicariously liable under the doctrine of

"respondeat superior" for negligent acts or omissions by their employees in the course of employment by failing to disclose workplace accusations. (ID 5 pg. 12, pg. 17) Violations of Act (ADEA). Title VII Civil Rights Act of 1964.

The foundation of Avondale court May 13, 2019 defective work place injunction based on unverified report of accusations on February 2019 from employee Mathews about Rynn and Mathews acts in the course of employment that was directed by employer. The Defendant as employer is responsible for the damages to Rynn for Avondale court injunction based on actions at the control and direction of Defendant as employer. (ID 90 pg. 2)

Vicarious Liability.

Vicarious liability means one person is indirectly responsible, or liable, for the negligent acts of another. The person injured by such negligence, therefore, may seek damages from the person indirectly liable. Black's Law Dictionary, 1404 (5th ed. 1983).

Basis of Liability Related to Vicarious Liability. a. Respondeat Superior.

It is a rule of law that an employer is responsible for injuries inflicted by its employees acting within the "scope of employment," based on the theory that employer has the authority to supervise and control its employees. In addition, the employer possesses the ultimate right to discharge disobedient employees and to hire more competent employees.

b. "Scope of Employment." "Scope of employment" means the employee was doing what the employer directed the employee to do, or what the employee could be

expected to do from the nature of the employment, or that the employee acted in furtherance of the employer's business.

Right to Notice Due Process (ID 40 pg. 4)

Evidentiary hearing required to address fraud and new discovered evidence, contradictory statements from Defendants. see ARS Rule 8(6)

ARS Rule 8(6) Effect of Failing to Deny. An allegation is admitted if the allegation is not denied.

Right to Notice: Due Process Greene v. Lindsey (SC 1982) [eviction notices nailed to doors, never received them in building where notice were frequently torn down. If posted notice does not work, mail should be used instead]. Holding: Fundamental requisite of due process is the opportunity to be heard. Without proper notice, there is no opportunity to be heard. SC 1982) [eviction notices nailed to doors, never received them in building where notice were frequently torn down. If posted notice does not work, mail should be used instead]. Holding: Fundamental requisite of due process is the opportunity to be heard. Without proper notice, there is no opportunity to be heard.

To act under color of state law means the social workers acted beyond the bounds of their lawful authority, but in such a manner that the unlawful acts were done while the official was purporting or pretending to act in the performance of their official duties. In other words, the unlawful acts must consist of an abuse or misuse of power which is possessed by the official only because they are an official. The social workers committed a 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.

Right to Procedural Due Process Violated: The state denied the plaintiff the fundamental right to a fair procedure before having their child removed by the intentional use of fraudulent evidence during the procedure. Morris v. Dearborne (5th Cir. 1999)

Plaintiff's clearly established right to meaningful access to the courts would be violated by suppression of evidence and failure to report evidence. *Chrissy v. Miss. Department of Public Welfare* (5th Cir. 1991)

Court failed to correct errors, failed to review evidence provided by Rynn. court failed to address retaliation, defamation from grossly false work place accusations and Defendant failure to disclose accusations such as "*wife and him are considered child abusers*", "*stalker*", (ID 5 pg. 12, pg. 17) and damages from the abuse of process from an illegal ex parte work place injunction without notice without legal authority by not following rules of due process and disclosure required for work place accusations.

Rynn owed a duty of disclosure of accusations and employer First Transit by failing to disclose false accusations of "*him and his wife are considered child abusers*", "*stalker*," breached duty owed to Rynn. Defendant has not shown any evidence to support defamation of character from false accusations of *child abuser* and *stalker*. (ID 5 pg. 12, pg. 17)

Rynn raises triable facts of defamation of character from false accusations and First Transit breaching duty as employer by knowing of the accusations from its employee Mathews and failing to disclose false work place accusations and First Transit's actions injured Rynn by the failure to disclose grossly false accusations that were entered illegally on a defective work place injunction without disclosure to Rynn in violation of due process, obtained ex

parte without notice, without an affidavit of a threat of violence, in violation of state and federal requirements of ARS Rule 65(b) (1) (A)(B)(2).

Based on the foregoing Plaintiff has verified claims for negligence, defamation and false light including additional amended claims of discrimination. (ID 8 pg. 2-3)

"Negligent infliction of emotional distress" (NEID) is a personal injury law concept that arises when one-person (the defendants) acts so carelessly that he or she must compensate the injured person (the Plaintiff) for resulting mental or emotional injury. The tort is to be contrasted with intentional infliction of emotional distress in that there is no need to prove intent to inflict distress. That is, an accidental infliction, if negligent, is sufficient to support a cause of action. Constitutional rights violated under section 242 title 18. Violation of section 1983 title 42.

The US Supreme Court stated that when a state officer acts under a state law in a manner violative of the federal constitution, he/she comes into conflict with the superior authority of that Constitution, and s/he is in that case stripped of her/his official or representative character and is subjected in her/his person to the consequences of her/his individual conduct. The state has no power to impart to her/him any immunity from the responsibility to the supreme authority of the United States. *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

It was not by accident or coincidence that the rights to freedom of speech and press were coupled with the rights of the people to peaceably assemble and petition for redress of grievances. A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938)

When a judge knows that he/she lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him/her of jurisdiction, judicial immunity is lost. Rankin v. Howard (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S. Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

No judicial process whatever form it may assume can have any lawful authority outside of the limits of the jurisdiction of the court or judged by whom it is issued and an attempt to enforce it beyond these boundaries is nothing less than lawless violence. Ableman v. Booth, 21 Hoard 506 (1859)

Undoubtedly it(fourteenth amendment) forbids any arbitrary deprivation of life, liberty or property, and secures equal protection to all under like circumstances in the enjoyment of their rights...It is enough that there is no discrimination in favor of one as against another of the same class... and due process of law within the meaning of the fifth and fourteenth amendment is secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of the government. Giozza v. Tiernan, 148 U.S. 657,662 (1893)

Per Fifth and Fourteenth Amendments of the United States Constitution. No person shall be deprived of life liberty without due process of law, nor deny any person within its jurisdiction the equal protection of the laws. (Ingraham v. Wright, 430 U.S. 651, 97 S.Ct.

1401(1977) the Supreme Court stated liberty includes “freedom from bodily restraint and punishment” and “a right to be free from and to obtain judicial relief, for unjustified intrusions on personal security.

All earlier Rulings void based on fraud. Disputable legal relevant facts remain unaddressed see ARS Rule 54 (c) (ID 40 pg. 4)

ARS Rule 54(c) Judgment as to All Claims and Parties. A judgment as to all claims and parties is not final unless the judgment recites that no further matters remain pending and that the judgment is entered under Rule 54(c).

ARS Rule 27 (2) Hearing Required. The court must hold a hearing on the relief that the petition seeks. Plaintiff is entitled to an evidentiary hearing for new evidence and fraud. (ID 40 pg. 4)

Under Discovery Rule, statute of limitations does not begin until the person knows or should have reasonably known about an injury.

Fraud is sufficient to toll the running of the statute of limitations until the plaintiff either knows, or through the exercise of due diligence should have known, of the fraud. *Lasley v. Helms*, 179 Ariz. 589, 880 P.2d 1135 (App. 1994).

A.R.S. Sec. 12-543 provides, in pertinent part:

There shall be commenced and prosecuted within three years after the cause of action accrues, and not afterward, the following actions:

3. For relief on the ground of fraud or mistake, which cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

Case requires independent review on the merits based on fraud and new discovered evidence. New evidence of fraud that was concealed by Defendants voids earlier Rulings.

Negligent Misrepresentation

According to the Restatement of Torts (2d) § 552, negligent misrepresentation occurs when “one who, in the course of his business, profession or employment, or in any other transaction in which he has a pecuniary interest, supplies false information for the guidance of others in their business transactions, is subject to liability for pecuniary loss caused to them by their justifiable reliance upon the information, if he fails to exercise reasonable care or competence in obtaining or communicating the information.

Court failed to address jurisdiction requirements not met require vacating defective work place injunction entered unconstitutionally ex parte without legal authority and the liability to employer for a work place injunction obtained by employees of First Transit without the authority of the workplace. (ID 8 pg. 2-3) (ID 90 pg. 2)

Defective workplace Injunction requires vacating by law for not meeting state and federal statutory requirements of disclosure, federal due process requirements and for perjury from known false work place accusations that were not disclosed to Rynn until after injunction illegally issued ex parte in the Avondale city court on May 13, 2019. Craig Jennings knew he did not have authority to issue a work place injunction is embroiled in the matter by issuing orders ex parte without legal authority. (ID 8 pg. 2-3) (ID 90 pg. 2)

Conclusion

Courts failed to address facts of defective injunction based on fraud, perjury, and substantial constitutional rights violations, due process violations, workplace harassment against Rynn, discrimination, miscarriage of justice in dispute and the outcome is unjust, unfair and improper. Courts failed to address and Defendants failed to object to Plaintiff substantiated facts herein. (ID 40 pg. 4-5)

For the foregoing reasons, Rynn respectfully requests court review judgment of Arizona Supreme court, Arizona Court of Appeals, Superior court, Avondale city court and provide declaratory relief, vacate defective Avondale court work place injunction. as unconstitutional on its face, address compensation, reverse and remand for further briefing.

RESPECTFULLY SUBMITTED

this 7th day of June 2024

By: 
RICHARD RYNN

CERTIFICATE OF SERVICE

A copy of this application was served by U.S. mail to Defendants listed below in accordance with Supreme Court Rule 22.2 and 29.3 or 33.2.

Office of the City Attorney City of Avondale
Nicholle Harris, Lisa Maxie-Mullins, Stephen Kemp, Brandon
Cartwright representing Avondale court Craig Jennings, and Avondale
city 11465 West Civic Center Dr, Avondale, AZ 85323

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Email: kshapple@littler.com
Attorney for Defendant First Transit and Patrick Camunez

RESPECTFULLY submitted.

this 7th day of June 2024


RICHARD RYNN

APPENDIX
TABLE OF CONTENTS

Rynn V Avondale court, First Transit, Et Al,
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Arizona Court of Appeals Case No. 1 CA-CV 23-0092

Arizona Supreme Court Case No. CV-24-0017

Arizona Supreme Court Case No. CV-24-0032

Avondale city court
workplace injunction May 13, 2019

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2022-000265-001 DT
CV 2022-011208

08/26/2022

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
D. Tapia
Deputy

RICHARD RYNN

RICHARD RYNN
1299 E MARLIN DR
CHANDLER AZ 85286

v.

SHAYLEY MATHEWS (001)
FIRST TRANSIT (001)

COURT ADMIN-CIVIL-ARB DESK
D&C MATERIALS-CSC
DOCKET-CIVIL-CCC
EXHIBITS-SCT
JUDGE HANNAH
JUDGE KILEY
REMAND DESK-LCA-CCC

MINUTE ENTRY

A 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:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2022-000265-001 DT
CV 2022-011208

08/26/2022

**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 LC2022-000265 to the newly assigned **CV2022-011208**.

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

NOV 10 2022 8:00am

CV 2022-011208

11/09/2022

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

RICHARD RYNN

RICHARD RYNN
1299 E MARLIN DR
CHANDLER AZ 85286

v.

SHAYLEY MATHEWS, et al.

ERYN MARIE MCCARTHY
KIMBERLY M SHAPPLEY
DOCKET CV TX
JUDGE HANNAH

MINUTE ENTRY

The Court has read and considered defendant City of Avondale's Motion to Deny Special Action Jurisdiction of Plaintiff's 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.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-011208


11/09/2022

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. Pima 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 Rule 59(d).



JUDGE JOHN HANNAH
JUDICIAL OFFICER OF THE SUPERIOR COURT

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

RICHARD RYNN, *Plaintiff/Appellant*,

v.

AVONDALE COURT, CRAIG JENNINGS, et al, *Defendants/Appellees*.

No. 1 CA-CV 23-0092
FILED 12-12-2023

Appeal from the Superior Court in Maricopa County
No. CV2022-011208
Avondale Municipal Court
No. P02019000235
The Honorable John R. Hannah, Judge

AFFIRMED

COUNSEL

Richard Rynn, Chandler
Plaintiff/Appellant

Office of the City Attorney, Avondale
By Stephen M. Kemp, Lisa Maxie-Mullins, Brandon James Cartwright,
Nicholle Harris
*Counsel for Defendants/Appellees City of Avondale, Avondale City Court,
Honorable Craig Jennings*

Little Mendelson, P.C., Phoenix
By R. Shawn Oller, Kimberly Shappley
Counsel for Defendants/Appellees First Transit and Patrick Camunez

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:

¶1 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.

FACTS AND PROCEDURAL HISTORY

¶2 In 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.

¶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 Rynn v. First Transit, Inc.*, 2:20-cv-01309-JJT, 2021 WL 3209665 (D. Ariz. 2021); *see also Rynn v. First Transit, Inc.*, 2:21-cv-01755-DWL, 2021 WL 6050312 (D. Ariz. 2021).

¶4 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 v. AVONDALE, et al.
Decision of the Court

¶5 Rynn timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes (“A.R.S.”) § 12-2101(A)(1).

DISCUSSION

¶6 As a preliminary matter we note that Rynn’s opening brief fails to comply with Arizona Rule of Civil Appellate Procedure (“ARCAP”) 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 [] record.” “We consider waived those arguments not supported by adequate explanation, citations to the record, or authority.” *In re Aubuchon*, 233 Ariz. 62, 65, ¶6 (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.

¶8 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.” *Stapert 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.” *Files v. Bernal*, 200 Ariz. 64, 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.” *Id.*

¶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.

¶10 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 60(b) motions must be made within a reasonable time or “no more than 6 months after the entry of the judgment [...]” Rynn’s special action was

RYNN v. AVONDALE, et al.
Decision of the Court

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.

¶11 A judgment is void when the issuing court lacks jurisdiction. *Master Financial, Inc. v. Woodburn*, 208 Ariz. 70, 74, ¶19 (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.

¶12 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 Acevedo 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.

¶13 The 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.” *Takieh 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).

¶14 Rynn’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 WL 17176487 (9th Cir. 2022); *Rynn v. First Transit, Inc.*, 2:20-cv-01309-JJT, 2021 WL 3209665 (D. Ariz. 2021); *Rynn v. First Transit, Inc.*, 2:21-cv-01755-DWL, 2021 WL 6050312 (D. Ariz. 2021); *Rynn v. First Transit Inc.*, CV-21-01755-PHX-DWL, 2022 WL 287003 (D. Ariz. 2022). Rynn’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

¶15 We affirm.



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

SUPREME COURT OF ARIZONA

RICHARD RYNN,	)	Arizona Supreme Court
	)	No. CV-24-0017-PR
Plaintiff/Appellant,)	
	)	Court of Appeals
v.	)	Division One
	)	No. 1 CA-CV 23-0092
AVONDALE COURT, CRAIG JENNINGS,)	
et al.,	)	Maricopa County
	)	Superior Court
Defendants/Appellees.	)	No. CV2022-011208
)	
	)	Avondale Municipal Court
	)	No. P02019000235
)	

FILED 01/30/2024

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 Word Limit" as moot.

DATED this 30th day of January, 2024.

_____/s/
 JOHN R. LOPEZ IV
 Duty Justice

SUPREME COURT OF ARIZONA

RICHARD RYNN,	)	Arizona Supreme Court
	)	No. CV-24-0032-SA
Petitioner,)	
	)	Court of Appeals
v.	)	Division One
	)	No. 1 CA-CV 23-0092
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. P02019000235
)	
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 banc 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 he 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); *Rynn v. First Transit, Inc.*, 2:21-cv-01755-DWL, 2021 WL 6050312 (D. Ariz. 2021); *Rynn v. First Transit Inc.*, CV-21-01755-PHX-DWL, 2022 WL 287003 (D. Ariz. 2022).

Rynn v. Avondale Court, 1 CA-CV 23-0092, 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 31, 2024 in that proceeding. Therefore,

IT IS ORDERED denying the request for en banc review.

IT IS FURTHER ORDERED directing the Clerk to accept no further filings in this matter.

DATED this 14th day of May, 2024.

/s/
JOHN R. LOPEZ IV
Duty Justice

TO:
Richard Rynn
Stephen M Kemp
Lisa Maxie-Mullins
Brandon James Cartwright
R Shawn Oller
Kimberly Shappley
Hon. Craig L Jennings
Shayley Mathews

INJUNCTION AGAINST HARASSMENT

Amended Order

Dating relationship, no law enforcement service fee

Case No. **M0760PO2019000235**

Court ORI No: **AZ007011J**

County **MARICOPA** State **AZ**

Former Case No.

PLAINTIFF

PLAINTIFF IDENTIFIERS

SHAYLEY **MATHEWS**
First Middle Last Suffix

Redacted
Date of Birth of Plaintiff

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

V.

DEFENDANT

DEFENDANT IDENTIFIERS

RICHARD **RYNN**
First Middle Last Suffix

SEX	RACE	DOB	HT	WT
MALE	WHITE	Redacted	5' 4"	160
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
BROWN	BROWN			
DRIVER'S LICENSE #	STATE	EXP DATE		

Defendant/Plaintiff Relationship: **OTHER - CO-WORKER**

Defendant's Address : Redacted
Redacted **ARIZONA** Redacted

CAUTION: Weapon Alleged in Petition
 Estimated Date of Birth

WARNINGS TO DEFENDANT: This injunction shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this injunction may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)). Only the Court, in writing, can change this injunction.

This injunction is effective for one year from date of service. **VERIFY VALIDITY** (call Holder of Record):

MARICOPA County Sheriff's office- 602-876-1061

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

Defendant received actual notice of this Hearing and had an opportunity to participate.

Additional findings of this Injunction and warnings are set forth on the next page(s).

THE COURT, FINDING REASONABLE CAUSE, HEREBY ORDERS:

NO CRIMES. Defendant shall not commit any act of "harassment" against Plaintiff or Protected Person(s).

NO CONTACT. Defendant shall have no contact with Plaintiff except through attorneys, legal process, court hearings, and as checked: Phone Email/Fax Mail Other:

NO CONTACT. Defendant shall have no contact with Protected Person(s) except through attorneys, legal process, court hearings and as checked: Phone Email/Fax Mail Other:

THE COURT FURTHER ORDERS:

PROTECTED LOCATIONS. Defendant shall not go to or near the Plaintiff's or other Protected Person's:

- Residence (leave blank if confidential):
- Workplace (leave blank if confidential):
- School / Other: UNIVERSAL TECHNICAL INSTITUTE, AVONDALE AZ

OTHER ORDERS. NO THIRD PARTY CONTACT

05/13/2019
Date



HONORABLE CRAIG L. JENNINGS
Printed Name

ADDITIONAL WARNINGS TO DEFENDANT:

This is an official Court Order. If you disobey this Injunction (even if the Plaintiff contacts you), you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Injunction. Violations of this Injunction should be reported to a law enforcement agency, not the Court. Both parties must notify this Court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody order. You must file those requests separately in Superior Court. If you disagree with this Injunction, you have the right to request a hearing which will be held within 10 business days after your written request has been filed in the Court that issued this Injunction. Nothing the Plaintiff does can stop, change, or undo this Injunction without the court's written approval. You must appear in court to ask a judge to modify (change) or quash (dismiss) this Injunction. Even if the Plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the Plaintiff to contact you, you have the right to request a protective order against the Plaintiff. However, orders are not automatically granted upon request. Legal requirements must be met.

PCO CODES - 1,2,4,5,8

AVONDALE CITY COURT/NCIC#AZ007041J/DPS#0780 11325 W. CIVIC CENTER DR., AVONDALE, AZ 85323 623-333-5800

Plaintiff <u>Shanley Mathews</u> <small>Redacted</small> Birth Date: _____ Defendant <u>Richard Rynn</u>		Case No. <u>132019000235</u> HEARING ORDER <input type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment Issued Date <u>05/13/2019</u> (mm/dd/ccyy)
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The request for:

- A protective order is granted denied withdrawn. Reason: _____
- A hearing is denied.
- A motion to continue is denied.
- A motion to modify is denied.

- The Court continues the hearing set for ___/___/___ (date). See Notice of Hearing.
- The Court cancels the hearing set for ___/___/___ (date).
- On Plaintiff's motion, the Court dismisses the protective order listed above.

At time of hearing:

Plaintiff: Appeared Failed to Appear but did not have Notice Failed to Appear but had Notice
 Defendant: Appeared Failed to Appear but did not have Notice Failed to Appear but had Notice

- The Court dismisses the protective order listed above.
- A protective order is denied granted. Brady applies.
- The protective order listed above remains in effect. Brady applies.
- As attached, the Court modifies the protective order listed above. Brady applies.

6/3/19

 Date

[Signature]

 Judicial Officer



CERTIFICATE OF TRANSMITTAL

Copy mailed provided personally to Plaintiff on 6/3/19 by PST
 Copy mailed provided personally to Defendant on 6/3/19 by PST
 Copy mailed delivered faxed to Sheriff on 6/4/19 by PST