

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052655

07/11/2024

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
T. DeRaddo
Deputy

MICHAEL BERENT, et al.

MICHAEL BERENT
17974 N 167TH DR
SURPRISE AZ 85374

v.

GRAZYNA MROCKOWSKA, et al.

DEBRA S BROCKWAY

NANCY BERENT
17974 N 167TH DR
SURPRISE AZ 85374
DEBRA S BROCKWAY
KELSEY P BROPHY
JUDGE JULIAN
JUDGE VIOLA

**Plaintiff's "Request Judge Julian Recuse Failure to Treat Pro Se Litigant Fair
Court of Appeals Response Evidence" - Denied**

The Court received Plaintiff's "Request Judge Julian Recuse Failure to Treat Pro Se Litigant Fair Court of Appeals Response Evidence" filed June 20, 2024. The filing was forwarded to the Civil Presiding Judge for a determination.

Rule 42.2 of the Arizona Rules of Civil Procedure provides that a party seeking a change of judge for cause must establish grounds by affidavit as required by A.R.S. § 12-409. Plaintiff provided the required affidavit. The substance of Plaintiff's complaint is that Plaintiff disagrees with actions taken by the prior judge and the currently assigned judge.

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While Plaintiff includes an affidavit in support of the Motion, the affidavit simply outlines areas of disagreement with Judge Julian's actions. Upon review, Plaintiff simply makes conclusory allegations about the actions taken by the assigned judge. "A change of judge for cause is not warranted if based merely on speculation, suspicion, apprehension, or imagination." *See Stagecoach Trails MHC, LLC v. City of Benson*, 232 Ariz. 562, 568 ¶21 (App. 2013); *see also United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) ("[T]o be disqualifying," a judge's "alleged bias and prejudice...must stem from an extrajudicial source" and result in a decision "on some basis other than what the judge learned from his participation in the case."). To overcome this presumption, a litigant must "set forth a specific basis for the claim of partiality and prove by a preponderance of the evidence that the judge is biased or prejudiced." *State v. Cropper*, 205 Ariz. 181, 185 (2003) (citation and internal quotations omitted). Plaintiff has failed to meet her burden.

IT IS ORDERED denying Plaintiff's "Request Judge Julian Recuse Failure to Treat Pro Se Litigant Fair Court of Appeals Response Evidence" filed June 20, 2024.