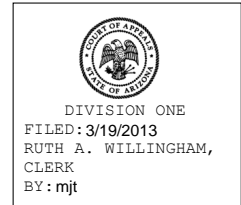


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

ROBERT EARL KRONCKE,)	Court of Appeals
)	Division One
Petitioner,)	No. 1 CA-SA 12-0223
)	
v.)	Yuma County
)	Superior Court
THE HONORABLE JOHN N. NELSON, Judge of)	
the SUPERIOR COURT OF THE STATE OF)	No. S1400CV201200871
ARIZONA, in and for the County of)	
YUMA,)	DEPARTMENT C
)	
Respondent Judge,)	DECISION ORDER
)	
CITY OF PHOENIX, CITY OF MESA, COY)	
HUGHES JOHNSTON, JUDIT A. TOWNSEND,)	
MARVIN A. SONDAG, RAYMOND VACA, JR.,)	
)	
Real Parties in Interest.)	
)	
)	

This special action came on regularly for conference on October 30, 2012, before Presiding Judge Philip Hall, Judge Peter B. Swann, and Judge Samuel A. Thumma.

On August 23, 2012, the Honorable John N. Nelson entered an order dismissing Robert Earl Kroncke's complaint in Yuma County Superior Court case number S1400CV201200871 because "the events alleged by [Kroncke] all occurred in Maricopa County" and "all defendants are residents of Maricopa County." By Administrative

Order 2012-22 filed August 24, 2012, Judge Nelson also found Kroncke to be "a vexatious litigant" and forbade him from filing any new causes of action without leave of the presiding judge. In making this determination, Judge Nelson relied on Maricopa County Superior Court Administrative Order No. 2008-134, dated April 6, 2009.

Kroncke filed a petition seeking special-action relief from Administrative Order 2012-22, arguing that he was entitled to notice and an opportunity to be heard in advance of Judge Nelson entering the order finding him a vexatious litigant. Because Kroncke has no "equally plain, speedy, [or] adequate remedy by appeal," we accept jurisdiction. Ariz. R.P. Spec. Act. 1(a); *Madison v. Groseth*, 230 Ariz. 8, 13-14 n.8, ¶ 16, 279 P.3d 633, 638-39 n.8 (App. 2012).¹

"Arizona courts possess inherent authority to curtail a vexatious litigant's ability to initiate additional lawsuits." *Madison*, 230 Ariz. at 14, ¶ 17, 279 P.3d at 639. When entering such an order, the court must: (1) afford the litigant notice and an opportunity to oppose the order, (2) create an adequate record for appellate review that includes a listing of all cases

¹ Although Kroncke used the caption for case no. S1400CV201200871 to formulate the caption in his special-action petition, he does not seek any relief from Judge Nelson's dismissal order. In any event, Kroncke had the right to appeal from the dismissal, which constituted the final judgment in that matter. See A.R.S. § 12-2101(A)(1) (Supp. 2012).

