



DIVISION ONE  
FILED: 09/03/2024  
AMY M. WOOD,  
CLERK  
BY: JT

IN THE  
**COURT OF APPEALS**  
STATE OF ARIZONA  
DIVISION ONE

IN THE MATTER OF POTENTIAL )  
VEXATIOUS LITIGANT )  
DESIGNATION OF JOHN DANKO III ) ADMINISTRATIVE ORDER 2024-09  
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\_\_\_\_\_ )

**ORDER REGARDING POTENTIAL VEXATIOUS LITIGANT DESIGNATION**

Because of the issues discussed below, the court has spent undue time and resources on Mr. John Danko III's appeals. The court will consider whether Mr. Danko's actions in appeals before the court warrant designating Mr. Danko a vexatious litigant.

**Factual and Procedural Overview**

Mr. Danko has filed numerous superior court lawsuits against attorneys and others, most of which arise out of his Arizona dissolution case. *See Danko v. Dessauls*, 1 CA-CV 23-0017, 2023 WL 5214129, at \*1 ¶ 2 (Ariz. App. Aug. 15, 2023). In September 2023, the Maricopa County Superior Court designated Mr. Danko a vexatious litigant (Maricopa County Superior Court Administrative Order 2023-135).

Mr. Danko has far more appeals than any other self-represented litigant appearing before the court. Since August 2022, Mr. Danko has filed approximately 100 appeals stemming from his extensive superior court litigation. And his filings are accelerating. In the first nine months of 2024, he filed 63 appeals.

The court often does not even have jurisdiction to hear Mr. Danko's appeals. In most of his appeals, Mr. Danko challenges unsigned minute entries and other

unappealable rulings. Though the court routinely dismisses these appeals, Mr. Danko continues to appeal from unsigned minute entries and other unappealable rulings. As a result, the court has issued more than 90 orders in Mr. Danko's appeals so far in 2024, most of which address jurisdictional defects.

Even when the court does not dismiss one of Mr. Danko's appeals, Mr. Danko's handling is problematic.

- Mr. Danko files briefs containing irrelevant arguments and sometimes those arguments do not even pertain to the appellees in that specific appeal. *See, e.g., Danko v. Hawkins*, 1 CA-CV 22-0781, 2023 WL 7164310 (Ariz. App. Oct. 31, 2023); *Danko v. Ketti McCormick, PLLC*, 1 CA-CV 23-0054, 2023 WL 5371462 (Ariz. App. Aug. 22, 2023); *Danko v. Leavitt*, 1 CA-CV 22-0525, 2023 WL 5286974 (Ariz. App. Aug. 17, 2023); *Danko v. Jackson*, 1 CA-CV 23-0662, 2024 WL 2859439 (Ariz. App. June 6, 2024); *Danko v. Grant*, 1 CA-CV 23-0719, 2024 WL 3201641 (Ariz. App. June 27, 2024).
- Mr. Danko files largely the same opening brief in several recent appeals. *See, e.g., Jackson*, 2024 WL 2859439, at \*3 ¶ 17 (noting most of Danko's briefing "consist[ed] of irrelevant information and disparaging comments about his ex-spouse and other non-parties").
- Mr. Danko pursues meritless arguments to the point the court has sanctioned him 3 times under Rule 25, Arizona Rules of Civil Appellate Procedure. *See Danko v. Whiting*, 1 CA-CV 24-0001, 2024 WL 3949057, at \*3 ¶ 14 (Ariz. App. Aug. 27, 2024) ("Danko continues to pursue his groundless claims with complete indifference to their lack of merit."); *see also Hawkins*, 2023 WL 7164310, at \*4 ¶ 22; *Danko v. Strom*, 1 CA-CV 22-0583, 2023 WL 5977229, at \*2 ¶ 13 (Ariz. App. Sept. 14, 2023).
- Mr. Danko needlessly complicates the processing of his appeals in three ways:
  - (1) Mr. Danko needlessly makes redundant filings, wasting court resources as court staff must sort through and address them. He continues to file multiple copies of the same document even though court staff have told him he it is unnecessary. For example, he has electronically filed a document, then he filed the same document in person. As a result, the records in his appeals often include multiple notices of appeal filed on different dates but challenging the same rulings. These records also frequently include duplicates of Danko's briefs and other filings.

- (2) He continues to request fee waivers to which he is not entitled as a matter of law. As noted above, the Maricopa County Superior Court designated him a vexatious litigant last fall. A self-represented litigant who has been previously declared vexatious by any court may not obtain a waiver of court fees or costs in civil actions other than certain family court actions. A.R.S. § 12-302.K. As of the date of this order, the court has issued eight orders telling Mr. Danko he is no longer eligible for a waiver, but he continues to file motions asking this court to waive his filing fees.
- (3) He occasionally refuses to serve opposing counsel, resulting in additional and unnecessary motion practice. *See, e.g., Danko v. Fajardo*, 1 CA-CV 22-0613; *Danko v. Strom*, 1 CA-CV 22-0770; *Danko v. Bolt*, 1 CA-CV 24-0284; *Danko v. Ruiz*, 1 CA-CV 24-0454.

### **Discussion**

Because of the above issues, the court will consider designating Mr. Danko a vexatious litigant.

Arizona courts have inherent authority to limit a vexatious litigant's ability to initiate judicial proceedings. *Madison v. Groseth*, 230 Ariz. 8, 14 ¶¶ 17-18 (App. 2012). Before entering any such order, the court must, among other things, give the litigant notice and an opportunity to oppose the order. *Id.*

The consequences of the court designating Mr. Danko a vexatious litigant may include the court:

- Requiring Mr. Danko to obtain leave of the court before pursuing any new appeals in this court;
- Requiring Mr. Danko pay fees under A.R.S. § 12-302.M in cases in which the court has waived or deferred filing fees; and
- Imposing any other sanction the court deems appropriate.

## ORDER

IT THEREFORE IS ORDERED directing the clerk of the court to initiate an administrative case to address the matters outlined above.

IT FURTHER IS ORDERED directing the clerk of the court to give Mr. Danko notice of the administrative case. Mr. Danko may file a brief not to exceed ten pages in the administrative case by September 20, 2024 addressing why the court should not designate him a vexatious litigant.

The court will consider the matters outlined above after considering Mr. Danko's filing, if any.

\_\_\_\_\_/s/\_\_\_\_\_  
David B. Gass, Chief Judge