



DIVISION ONE
 FILED: 12/03/2024
 AMY M. WOOD,
 CLERK
 BY: JT

IN THE
 COURT OF APPEALS
 STATE OF ARIZONA
 DIVISION ONE

IN THE MATTER OF)
 VEXATIOUS LITIGANT)
 DESIGNATION OF JOHN DANKO III) ADMINISTRATIVE ORDER 2024-11
) (Replaces A.O. 2024-10)
)
)
 _____)

On October 22, 2024, the court issued Administrative Order 2024-10, in which it deemed John Danko III a vexatious litigant. This order amends A.O. 2024-10 in five ways:

1. It updates the list of Mr. Danko’s appeals pending as of October 17, 2024 to show additional appeals in which this court has issued a decision or dismissal order;
2. It amends the fee payment schedule to reflect the filing fee increase established in Arizona Supreme Court Administrative Order 2024-208;
3. It requires Mr. Danko to file applications only through TurboCourt absent a service outage;
4. It exempts notices of payment of filing fees from the application requirement of A.O. 2024-10; and
5. It directs the Clerk of the court to reject any filings in appeals filed by Mr. Danko that have been closed.

This order also discusses two memorandum decisions issued after A.O. 2024-10 was entered, *Danko v. Grantland*, 1 CA-CV 24-0265, 2024 WL 4564680 (Oct. 24, 2024) and *Danko v. Reash*, 1 CA-CV 24-0301, 2024 WL 4705801, at *4 ¶ 19 (Nov. 7, 2024).

On September 3, 2024, the court issued Administrative Order 2024-09, in which it notified John Danko III it was considering declaring him 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 give the litigant notice and an opportunity to oppose the order, create an adequate record for review of the order, and make substantive findings of the litigant's frivolous or harassing actions. *Id.* And the order must be narrowly tailored to address the litigant's actions. *Id.*

Mr. Danko filed a written response on September 17, 2024, with several attachments, including pictures and resumes. Mr. Danko argues none of his actions warrant being designated a vexatious litigant. As the court noted in A.O. 2024-09, Mr. Danko has filed about 100 appeals since August 2022, and more than 60 since the start of 2024. *See* Exhibit A. He disputes these totals, contending that many of his appeals do not count because they were dismissed for lack of jurisdiction. Appeals dismissed for lack of jurisdiction are still appeals, and it is undisputed he has filed about 100 appeals since August 2022. Even if the court accepted Mr. Danko's position about appeals dismissed for lack of jurisdiction, he filed 31 appeals in 2024 that were not dismissed on jurisdictional grounds. Moreover, despite having about half of his appeals dismissed, Mr. Danko continues to file notices of appeals from non-appealable rulings. *See, e.g., Danko v. Miller*, 1 CA-CV 24-0613 (dismissing Mr. Danko's appeal from an unsigned minute entry granting a change of venue, which is not appealable); *Danko v. Richardson*, 1 CA-CV 24-0608 (dismissing an appeal from an unsigned minute entry denying Mr. Danko's application for leave to file a motion for relief from judgment); *Danko v. McCormick*, 1 CA-CV 24-0550 (dismissing Mr. Danko's appeal from an unsigned minute entry denying some motions).

Mr. Danko also does not deny he often files multiple copies of the same document despite being told it is unnecessary and not appropriate. He instead contends the court's filing system requires certificates of service and compliance to be filed separately, thus increasing the number of documents he is filing. He further says he must file certain documents in person and other documents electronically. Taking these contentions at face value, nothing obligates him to file multiple copies of, for example, briefs and motions using different methods. Nonetheless, Mr. Danko continues to file multiple copies of documents, including notices of paying a filing fee, applications to file those notices, and subsequent applications to file a motion for relief from orders denying the previous applications as unnecessary.

Mr. Danko also filed three fee waiver requests after the court issued A.O. 2024-09, which explained Mr. Danko is not entitled to a fee waiver. Mr. Danko was declared a vexatious litigant by the Maricopa County Superior Court in September 2023. By statute, 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 A.O. 2024-10, the court had issued thirteen orders telling Mr. Danko he is no longer eligible for a fee waiver, but he continued to file requests asking the court to waive his filing fees.

Mr. Danko denied continuing to seek fee waivers. And he says he must file the associated motion. Both statements are incorrect. True, the form application is titled, "Application for Waiver or Deferral of Fees." But Mr. Danko files a motion with each application titled, "Motion to Process Application for Waiver of Fees." And in those

motions, he expressly requests a waiver. He is neither required to file those motions nor make those requests.

A.O. 2024-09 also noted Mr. Danko's briefs often include irrelevant arguments and, in some instances, arguments having nothing to do with the named appellees. *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); *Danko v. Ameika*, 1 CA-CV 24-0045, 2024 WL 4026000, at *6 (Ariz. App. Sept. 3, 2024). Mr. Danko also filed largely the same opening brief in several recent appeals irrespective of what parties he named. *See, e.g., Ameika*, 2024 WL 4026000, at *6 ¶ 29 (noting that Mr. Danko's briefing "repeatedly refers to Ameika using plural terms . . . and masculine pronouns, which suggests that portions . . . have been cut-and-pasted, with little or no editing, from briefs in his prior unsuccessful appeals"); *Jackson*, 2024 WL 2859439, at *3 ¶ 17 (noting most of Mr. Danko's briefing "consist[ed] of irrelevant information and disparaging comments about his ex-spouse and other non-parties"). Mr. Danko has continued this practice following the entry of A.O. 2024-10. *See Grantland*, 2024 WL 4564680, at *2 ¶ 8 ("[T]hroughout his brief, [Mr. Danko] conflates this appeal with other cases."); *Reash*, 2024 WL 4705801, at *4 ¶ 19 (Nov. 7, 2024) ("This is not the first or second or even eighth time Danko has included irrelevant statements and disparaging comments about non-parties in his briefing.").

Mr. Danko denies this point, but he also contends his briefs must be similar because “the matters with appellees stem from [his] family court case” and such information “would be the same with respect to each appellee.” But Mr. Danko’s appeals over the past two years largely stem from contract and tort claims against attorneys and others who live and work in South Carolina, not his family court case. *See, e.g., Reash*, 2024 WL 4705801, at 4 ¶ 18 (“Neither Danko’s ex-spouse, nor her family members, are named parties or have any apparent connection to the legal issues he asks us to resolve.”).

Mr. Danko’s arguments also have been deemed meritless and have resulted in multiple sanctions awards against him. Several complaints Mr. Danko filed against South Carolina attorneys were dismissed for lack of personal jurisdiction. *See id.* at *4 ¶ 16 (“This court has . . . repeatedly rejected Danko’s unsupported personal jurisdiction arguments.”); *Ameika*, 2024 WL 4026000, at *6 ¶ 28 (noting the court had “already affirmed the dismissal, for lack of personal jurisdiction, of at least four separate complaints” by Mr. Danko). In his appeals from those dismissals, Mr. Danko repeatedly raises arguments the court has already resolved against him, including “can an Arizona noncitizen commit civil torts against an Arizona citizen and claim no liability because person is Arizona noncitizen” and “does Arizona decree of dissolution and by extension any Arizona law passed from any and all courts in Arizona have any meaning.” *See Ameika*, 2024 WL 4026000, at *6 ¶ 29 (stating that Mr. Danko was “continually re-asserting the same claims against South Carolina attorneys in Arizona courts” and “re-raising the same arguments that have already been considered and rejected”); *Grantland*, 2024 WL 4564680, at *3 ¶ 18 (“[Mr. Danko] previously pursued the same frivolous arguments in multiple appeals

involving different defendants.”). This court has sanctioned Mr. Danko six times as a result. *Whiting*, 2024 WL 3949057, at *3 ¶ 14; *Ameika*, 1 CA-CV 24-0045, 2024 WL 4026000, at *6-7 ¶¶ 28-30; *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); *Grantland*, 2024 WL 4564680 at *3 ¶¶ 18-20; *Reash*, 2024 WL 4705801, at *5 ¶ 20.

In summary, Mr. Danko has not shown why the court should not deem him vexatious.

IT THEREFORE IS ORDERED declaring John Danko III a vexatious litigant.

IT FURTHER IS ORDERED Mr. Danko shall pay all filing fees in all appeals pending as of October 17, 2024, in which the court has either waived or deferred his filing fees under A.R.S. § 12-302.M. The following appeals in Division One are subject to this payment order:

- *Danko v. Jackson*, 1 CA-CV 23-0662*
- *Danko v. Grant*, 1 CA-CV 23-0719/1 CA-CV 23-0748 (consolidated)*
- *Danko v. Whiting*, 1 CA-CV 24-0001*
- *Danko v. Ameika*, 1 CA-CV 24-0045*
- *Danko v. Peck*, 1 CA-CV 24-0192
- *Danko v. Ramsey*, 1 CA-CV 24-0265*
- *Danko v. Bolt*, 1 CA-CV 24-0284
- *Danko v. Reash*, 1 CA-CV 24-0301*
- *Danko v. Alley*, 1 CA-CV 24-0331/1 CA-CV 24-0382 (consolidated)
- *Danko v. Gorski*, 1 CA-CV 24-0341
- *Danko v. Fajardo*, 1 CA-CV 24-0346
- *Danko v. Strum*, 1 CA-CV 24-0385*
- *Danko v. Wilson*, 1 CA-CV 24-0401
- *Danko v. Dorton*, 1 CA-CV 24-0447
- *Danko v. Ruiz*, 1 CA-CV 24-0454
- *Danko v. Derrick*, 1 CA-CV 24-0461*
- *Danko v. Csontos*, 1 CA-CV 24-0487
- *Danko v. Insureco Agency*, 1 CA-CV 24-0505
- *Danko v. Alley*, 1 CA-CV 24-0507

- *Danko v. Richardson*, 1 CA-CV 24-0566*
- *Danko v. Antrim*, 1 CA-CV 24-0589*
- *Danko v. Clabaugh*, 1 CA-CV 24-0626*
- *Danko v. Gilbertson*, 1 CA-CV 24-0635*
- *Danko v. Csontos*, 1 CA-CV 24-0700*
- *Danko v. Savitz*, 1 CA-CV 24-0713*
- *Danko v. Boles*, 1 CA-CV 24-0752*.

Appeals marked with an asterisk are those in which the court has entered a decision or dismissal order.

IT FURTHER IS ORDERED Mr. Danko must pay the fees in each pending appeal listed above according to the following payment plan: Payments of \$70 on each appeal listed above on November 5, 2024, December 2, 2024, January 3, 2025, and February 3, 2025. Any payment must specify the appeal or appeals to which it applies. If Mr. Danko does not meet the terms of this payment plan in any listed appeal in which the court has not already entered a decision or dismissal order, the court may dismiss that appeal.

IT FURTHER IS ORDERED vacating all existing deadlines in the above-listed appeals other than (1) the above payment deadlines; and (2) existing deadlines for motions for reconsideration and petitions for review.

IT FURTHER IS ORDERED Mr. Danko is not entitled to a waiver of fees in any future civil appeal unless the appeal is from a case of dissolution of marriage, legal separation, annulment or establishment, or child support enforcement or modification under A.R.S. § 12-302.K.3.

IT FURTHER IS ORDERED Mr. Danko is granted a fee deferral in any future appeal based on his prior filings showing financial need.

IT FURTHER IS ORDERED amending the fee payment schedule for future appeals

set forth in A.O. 2024-10 to reflect the filing fee increase established in Arizona Supreme Court Administrative Order 2024-208:

The payment plan in any appeal received by the Court of Appeals before December 28, 2024 shall be as follows: The first payment of \$70 will be due ten business days after filing of the clerk's notice. The remaining three payments of \$70 each will be due the first business day of each month after that.

The payment plan in any appeal received by the Court of Appeals on or after December 28, 2024 shall be as follows: The first payment of \$82.50 will be due ten business days after filing of the clerk's notice. The remaining three payments of \$82.50 each will be due the first business day of each month after that.

If Mr. Danko does not meet the terms of the applicable payment plan, the court may dismiss the appeal without further notice.

IT FURTHER IS ORDERED in any appeal Mr. Danko files after the date of this order, before filing an opening brief, Mr. Danko must file an application no longer than three pages explaining what meritorious issues he intends to raise and serve the application on all parties to the appeal. *See* ARCAP 4(f). The application must include as an exhibit a proposed opening brief. The application will be due 60 days after entry of the clerk's notice.

IT FURTHER IS ORDERED appellees shall not respond to the application or the proposed opening brief. If Mr. Danko is current on filing fees in the appeal, the court will review the application and proposed opening brief. If the court determines the appeal may have merit, it will issue an order accepting the proposed opening brief and setting due dates for appellees' filing fees and answering briefs.

IT FURTHER IS ORDERED if the court grants Mr. Danko's application and any appellees wish to order transcripts for the record on appeal, appellees may seek an extension for that purpose.

IT FURTHER IS ORDERED if the court determines based on Mr. Danko's application and/or proposed opening brief that an appeal lacks merit, it will dismiss the appeal without further notice. The court also may impose sanctions if it determines the application or the appeal is frivolous.

IT FURTHER IS ORDERED the application process described above applies to any other filings Mr. Danko may make except for notices of payment of filing fees. The application must include as an exhibit the proposed filing. The Clerk of the court will reject any filing from Mr. Danko that is not in the form of an application.

IT FURTHER IS ORDERED because of Mr. Danko's continuing practice of filing duplicate documents electronically and in person, Mr. Danko may only file applications to file documents through TurboCourt. The Clerk of the court will reject any over-the-counter filings by Mr. Danko unless there is a TurboCourt service outage.

IT FURTHER IS ORDERED the court may impose sanctions, including holding Mr. Danko in contempt, dismissing his appeal, and imposing costs and attorney fees, for his filing of a notice of appeal for a non-appealable order, frivolous briefs, motions, or other duplicative or inappropriate documents.

IT FURTHER IS ORDERED in any appeal filed after the date of A.O. 2024-10, the court will not require appellees to respond to any other motions filed by Mr. Danko unless specifically directed to do so by order of the court.

IT FURTHER IS ORDERED directing the Clerk of the court to file and distribute a copy of this order in 1 CA-CV 24-0651, each of Mr. Danko's pending appeals, and any appeals he files after the date of this order.

_____/s/_____
David B. Gass, Chief Judge