

APR 03 2025

**CANYON COUNTY CLERK
M. ALARCON, DEPUTY CLERK**

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

**IN RE: REFERRAL TO CONSIDER
WHETHER JOSEPH BEUMELER
AND LAURIEANN SHOEMAKER
SHOULD BE DECLARED
VEXATIOUS LITIGANTS PURSUANT
TO I.C.A.R. 59**

Case No. CV14-24-4745

**ORDER ADOPTING
FEBRUARY 18, 2025
PROPOSED FINDINGS**

I. Background

On February 18, 2025, Proposed Findings and Notice of Intent to Issue a Prefiling Order (Proposed Findings), along with a Proposed Prefiling Order, were issued by the court in accordance with the terms of Idaho Court Administrative Rule (I.C.A.R.) 59.

As set forth in detail in the Proposed Findings, a review of their litigation history revealed that Joseph Beumeler and LaurieAnn Shoemaker, while acting pro se, repeatedly filed unmeritorious motions, pleadings, or other papers, or engaged in other tactics that were frivolous and/or solely intended to cause unnecessary delay in CV14-20-05420, CV14-23-01654, and CV14-23-05321. See I.C.A.R. 59(d)(3).

In accordance with the terms of I.C.A.R. 59(e), Beumeler and Shoemaker were afforded fourteen days to file a response to the court's Proposed Findings.

II. I.C.A.R. 59(e) - Fourteen Days Response Period

On March 6, 2025, a response was filed by Beumeler and Shoemaker. Their response was not filed within fourteen days of the issuance of the Proposed Findings. It appears that they received notice of the Proposed Findings and the Proposed Prefiling Order on February 18, 2025, as the certificate of service provides that these materials were emailed to them on that date (and were also sent to them by mail).

Because the Idaho Supreme Court has not yet decided the parameters of the fourteen-day response period¹, the court will address the substance of their response.

III. The Response Does Not Merit a Hearing and the Pre-Filing Order Will be Adopted.²

A. The Reliance on the Alleged Failure of the Magistrate to enter a Written Order is Misplaced.

Beumeler and Shoemaker initially argue in their response that the magistrate has not filed a written referral order (what they term as the "written decision").

¹See *In Re Cook*, 168 Idaho 153, 160, 481 P.3d 107, 114 (2021) ("Ms. Cook argues that Rule 59(e) provided her with fourteen days from the time she received proper service of the proposed prefiling order to file a response. The Respondent contends that the plain language of Rule 59(e) only requires that Ms. Cook be allowed fourteen days to respond from the time the ADJ entered the proposed prefiling order. We need not decide today which interpretation of Rule 59(e) is correct.").

²It is clear that the response under the rule is to be to the Proposed Findings and not to the referral order. See I.C.A.R. 59(e) ("If the administrative district judge finds that there is a basis to conclude that a person is a vexatious litigant and that a prefiling order should be issued, the administrative district judge shall issue a proposed prefiling order along with the proposed findings supporting the issuance of the prefiling order. **The person who would be designated as a vexatious litigant in the proposed order shall then have fourteen (14) days to file a written response to the proposed order and findings.**"). (emphasis added).

Beumeler and Shoemaker assert: "the instant case itself, the start of the case review by an administrative judge, as well as affected entities like JB and LS, and the entire Public, are still waiting for that court-ordered 'written decision' from referring Magistrate [. . .] Gulstrom before case due process can fairly and justly start and then continue." Response and Objection to 02/18/2025 Proposed Prefiling Order, at 4.³

Their assertion that a written referral order ("written decision") has not been filed is incorrect. As noted in the court's February 18, 2025, Proposed Findings:

On October 15, 2024, a hearing was held by the magistrate judge, in CV14-24-4745. According to the minutes of the hearing, it was held in reference to 'Motion Regarding Vexatious Litigation' and the minutes further state: 'Granted. Motion Regarding Vexatious Litigation: Based on the declaration filed in CV14-23-5321 filed on September 27, 2024 by Mr. Bowers & ICRA 59-D3; provides case and pleadings in which the Court would rely on referral for Vexatious Litigants and refers the matter to Administrative District Judge for review for Vexatious Litigants.' October 15, 2024 Court Minutes.

On January 16, 2025, an order was filed from the magistrate stating:

The Court, having considered the May 28, 2024 Amended Order In Re: Assignment of Administrative District Judge Steven Hippler ('May 28 Order') and after reviewing the Second Supplemental Declaration of Daniel W. Bower in Support of Motion to Designate Individual Defendants as Vexatious Litigants ('Declaration of Daniel Bower'), and the filings referenced therein **provides this written decision GRANTING the referral to the appropriate Administrative District Judge** as required by I.C.A.R. 59(d). This Court also provides the Administrative District Judge with a proposed prefiling order as requested by the Administrative District Judge.

³Beumeler and Shoemaker have not requested a hearing/oral argument, and the court exercises its discretion in not sua sponte scheduling oral argument. Moreover, given that they failed to address any of the Proposed Findings in their response, oral argument is not warranted. See I.C.A.R. 59(e) See also *Greenfield v. Meyer*, ___ Idaho ___, 560 P.3d 517, 527 (2024).

This written referral order FINDS that the pro se filings identified in Exhibit A to the Declaration of Daniel Bower (attached hereto as Exhibit A), including filings in Idaho Supreme Court Case No. 49729-2022 and Canyon County Case Nos. CV14-20-05420, CV14-23-01654, and CV14-24-04745 constitute frivolous filings in violation of I.C.A.R. 59(d)(3).⁴ Rule 59(d)(3) provides that a litigant can be designated a vexatious litigant if 'while acting pro se, (the litigant) repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.'

Accordingly, this Court FINDS there is factual basis for the referral and the entry of a prefiling order by the Administrative District Judge consistent with I.C.A.R. 59(e). A copy of that proposed prefiling order is attached hereto as Exhibit B. (January 16, 2025) Order RE: Referring Motion to Designate Individual Defendants Vexatious Litigants, at 1-2. (emphasis added). (February 18, 2025) Proposed Findings and Notice of Intent to Issue a Prefiling Order, at 3-4. (emphasis added).

I.C.A.R. 59(c) requires a referral to the administrative district judge to initiate the vexatious litigant designation consideration process. The rule does not provide any requirements in reference to the content of the referral and, as previously noted, the magistrate has filed a written referral order, in compliance with the rule:

An administrative judge may enter a prefiling order prohibiting a vexatious litigant from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed. A district judge or magistrate judge may, on the judge[']s own motion or the motion of any party, refer the consideration of whether to enter such an order to the administrative judge. The administrative judge may

⁴The referral order specifically states that it finds: "the pro se filings identified in Exhibit A to the Declaration of Daniel Bower (attached hereto as Exhibit A), including filings in Idaho Supreme Court Case No. 49729-2022 and Canyon County Case Nos. CV14-20-05420, CV14-23-01654, and CV14-24-04745 constitute frivolous filings in violation of I.C.A.R. 59(d)(3)." It specifically references Exhibit A, which consists of hundreds of pages of pro se filings by Beumeler and Shoemaker, including in Idaho Supreme Court Case No. 49729-2022 and Canyon County Case Numbers CV14-20-05420, CV14-23-01654, and CV14-24-04745. A review of their litigation history also revealed that they filed very similar, if not identical, frivolous materials in CV14-23-05321. See Proposed Findings, at 16-17.

also consider whether to enter such a prefiling order on his or her own motion or the motion of a party if the litigant with respect to whom the prefiling order is to be considered is a party to an action before the administrative judge.

The requisite procedural due process is from the administrative district judge's review of the litigation history of the person or persons referred,⁵ the issuance of the proposed findings and the proposed prefiling order by the administrative district judge, the response period afforded to the person or persons referred to the proposed findings, as well as their right to appeal the vexatious litigant determination to the Idaho Supreme Court. See, e.g., *Telford v. Nye*, 154 Idaho 606, 611, 301 P.3d 264, 269 (2013) ("Assuming arguendo that Telford had a protected liberty or property interest in filing unmeritorious, pro se litigation papers without leave of court, she was granted reasonable procedural protections ensuring that her interests would not be deprived arbitrarily. She was given notice of the proposed action against her. She was given opportunity to be heard through a right to file a response within fourteen days. Telford, however, failed to adequately challenge the pre-filing order or the bases upon which it was granted within the time allowed."). See also *Greenfield v. Meyer*, ___ Idaho ___, 560 P.3d 517, 529 (2024) ("The record shows that Greenfield had sufficient notice of the factual findings contained in the Amended Prefiling Order, and multiple opportunities to address the case in question . . . Greenfield was afforded sufficient notice of the factual findings contained

⁵The Rule only requires the administrative judge to review the litigant's conduct to determine whether it fits within one [or more than one] of the four categories described in subsection (d). I.C.A.R. 59." *In re Prefiling Order Declaring Vexatious Litigant, Pursuant to I.C.A.R. 59*, Mark D. Colafranceschi, 164 Idaho 771, 779-80, 435 P.3d 1091, 1099-1100 (2019). See also *In re Prefiling Order Declaring Vexatious Litigant, Pursuant to I.C.A.R. 59*, [Van Hook], 164 Idaho 586, 592, 434 P.3d 190, 196 (2019) ("While the referral initially arose out of the Canyon County divorce case, Rule 59 required the administrative district judge to examine Van Hook's multiple litigations filed across several counties and his conduct as a pro se litigant within those litigations to find Van Hook was a vexatious litigant.").

in the Amended Pretrial Order, and as well as an adequate opportunity to be heard on them. Thus, we hold that Greenfield was afforded adequate procedural due process of law.”).

In sum, the assertion of Beumeler and Shoemaker that the magistrate failed to file a written referral order is without merit. The magistrate filed a written referral order that complies with the terms of the rule, and it identifies the filings of Beumeler and Shoemaker that are frivolous (and unmeritorious) and the cases that they were filed in.

B. “Continuing Response and Related Legal Actions”

Beumeler's and Shoemaker's next assertions provide no specific response to the Proposed Findings and do not preclude or weigh against the entry of the pre-filing order.


IV. Conclusion

Beumeler and Shoemaker did not file a response within fourteen days of the issuance of the Proposed Findings. Further, their response fails to specifically address any of the Proposed Findings. Accordingly, the February 18, 2025, Proposed Findings are adopted in their entirety.

The court will issue the prefiling order prohibiting Joseph Beumeler and LaurieAnn Shoemaker from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

IT IS SO ORDERED.

DATED THIS 3rd day of April 2025.

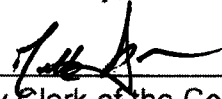

Steven J. Hippler
Administrative District Judge

I HEREBY CERTIFY that on the date indicated below, I caused a true and correct copy of the foregoing document to be served on the individual listed below, by the following means:

Daniel W. Bower HILTY, BOWER, HAWS & SEABLE, PLLC 1303 12 th Avenue Road Nampa, Idaho 83686	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile: (208) 345- <input checked="" type="checkbox"/> 4461 Email: dbower@HBHSLaw.com
Joseph E. Beumeler LaurieAnn Shoemaker 29862 Emmett Road Caldwell, Idaho 83607	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile: <input checked="" type="checkbox"/> Email: stamus.alta.jbls@gmail.com
Honorable Chad Gulstrom Magistrate Judge	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile: <input checked="" type="checkbox"/> Email

DATED: 04/03/25

RICK HOGABOAM
Clerk of the District Court
Canyon County, Idaho


Deputy Clerk of the Court