

Filed JUN 05 2018  
 BETTY J. THOMAS 3370 M.  
 Clerk District Court  
 By [Signature] Deputy

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

|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| ALAN D. SAITO and STEVEN DAVIS,   | ) |                                 |
|                                   | ) | Case No. CV-2018-1019           |
| Plaintiffs,                       | ) |                                 |
|                                   | ) | PREFILING ORDER DECLARING       |
| vs.                               | ) | VEXATIOUS LITIGANT PURSUANT TO  |
|                                   | ) | IDAHO COURT ADMINISTRATIVE RULE |
|                                   | ) | 59                              |
| TREVOR L. HART, WILLIAM JOB       | ) |                                 |
| LEAVITT JR., KELLY ANDERSON, A.   | ) |                                 |
| SCOTT ANDERSON, DALLIN OAKS, DR.  | ) |                                 |
| RUSSEL M. NELSON MD, and JOHN and | ) |                                 |
| JANE DOES,                        | ) |                                 |
|                                   | ) |                                 |
| Defendants.                       | ) |                                 |

This matter is before the Court on Defendants’ motions pursuant to Idaho Court Administrative Rule 59(d), requesting the undersigned Administrative District Judge of the Third Judicial District to determine whether Steven Davis should be deemed a vexatious litigant as defined by that rule.

Idaho Court Administrative Rule 59 allows an Idaho administrative district judge to limit filings of a vexatious litigant through a prefiling order. A vexatious litigant is a person who “habitually, persistently, and without reasonable grounds” engages in conduct that harasses another party in a civil action and imposes “an unacceptable burden on judicial personnel and resources.” ID R ADMIN Rule 59. An administrative district judge may find a person to be a

vexatious litigant based on the finding that the person “has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding.” *Id.*

### **Procedural History**

Steven Davis has appeared before this Court as a *pro se* plaintiff in two cases. The first case, CV-2018-972 began when Davis filed a complaint on January 2, 2018. The Complaint named the following defendants: Alliance Title and Escrow Corp., J. R. Simplot Company, Idaho Governor Butch Otter, Idaho Attorney General Lawrence Wasden, and Washington County Prosecutor Delton Walker. The Complaint seemed to be an attempt to stop Alliance Title and Simplot from conducting a Trustee’s Sale on some property formerly held by a company started by Davis’s co-plaintiff. Davis’s Complaint asked for a temporary restraining order and preliminary injunction, recession for unconscionability, and a declaratory judgment. The Court denied Davis’s motion for a temporary restraining order on January 9, 2018, and denied the motion for preliminary injunction after a hearing on January 25, 2018.

Davis then filed a “Notice to the Court and Defendants of a Special Federal Meeting in Las Vegas by Plaintiff Davis Concerning Zions Bank Fraud with the Defendants in Cover-Up on January 25, 2018” on January 26, 2018, alleging a scheme of corruption between numerous judges, Zions Bank, and the Mormon church. After this, Defendants all filed motions to dismiss or motions for summary judgment. In response, Davis filed a “Motion & Memorandum for a New Trial Based on Rules 59 & 60 IRCP” on February 14, 2018. On March 7, 2018, Davis filed “Added Information by Plaintiffs Why to Amend Complaint. Adding John Steiner and Norm King as Defendants at the March 9th Hearing.” This filing included numerous pages of handwritten allegations of Defendants’ corruption, allegations of an attempted murder of Davis,

and previous filings from other cases with Plaintiff's handwritten notes in the margins documenting attorney or judge's errors. On March 9, 2018, this Court granted Defendants' motions to dismiss and motions for summary judgment.

Case CV-2018-1019 began when Davis filed a Complaint on February 14, 2018. The Complaint listed the following Defendants: Trevor L. Hart, William Job Leavitt Jr., Kelly Anderson, A. Scott Anderson, Dallin Oaks, Dr. Russell M. Nelson MD, and John and Jane Does. The causes of action included "Civil Enforcement under Rico," abuse, negligence, and intentional infliction of emotional distress. Defendants all filed motions to dismiss with prejudice, and Hart, Kelly Anderson, A. Scott Anderson, Oaks, and Nelson filed motions to declare Steven Davis a vexatious litigant. Davis responded by filing "Opposition That Mark Perry Makes an Appearance for William Job Leavitt Jr. Based on Serious Conflict of Interest" on March 22, 2018. Shortly thereafter, Davis filed "Additional Information Connecting to Judicial Fraud by Attorneys at Perry Law PC from February, 2005 to the Preset Time with Zions Bank and Other Clients When Perry Solicited to Represent Saito" and "Additional Information Connecting the Intent by Zions Bank Defendants A. Scott Anderson and Kelly Anderson to Stop Testimony Through the Cause of Auto Accidents" on March 27, 2018. These filings alleged corruption on the part of Leavitt Jr.'s counsel and an attempted murder of Davis by agents of the Defendants, respectively.

Davis's last filing in this case was an "Affidavit of Alan D. Saito with Documents of over 1,548 Pages Supporting the Motion to Dismiss without Prejudice Because of the Wrong Jurisdiction" on May 10, 2018. This filing asked the Court to dismiss the case without prejudice because Davis realized he should have filed the case in federal court. On May 11, 2018 the Court

heard Defendants' motions to dismiss with prejudice, motions to declare Davis a vexatious litigant, and Davis's motion to dismiss without prejudice. The Court granted Defendants' motions to dismiss with prejudice and denied Davis's motion to dismiss without prejudice.

**Findings of Fact and Conclusions of Law**

Looking at the above procedural history, it is clear that Steven Davis has approached the Idaho judicial system with the intent to harass parties habitually, persistently, and without reasonable grounds. These cases have been an unacceptable burden on judicial personnel and resources. Looking at Steven Davis's filing history in other jurisdictions gives an even clearer picture of a pattern of harassment and disregard for the judicial branch of this country. *Alan D. Saito and Steven Davis v. Hart, et al.*, CV-2018-1019, Affidavit of Peter C. Schofield Exhibit C Mar. 13, 2018 (listing forty-three cases brought by Davis, most of which were dismissed).


Steven Davis has previously been declared a vexatious litigant by the Fifth District Court of Utah: *Steve Davis v. Willard Mitt Romney, et al.*, Civil No. 120500615, Order Declaring Plaintiff a Vexatious Litigant and Imposing Filing Restrictions on Plaintiff Steve Davis May 22, 2013 (Utah 5th Dist. Ct.). The Federal District Court of Nevada has also found Steven Davis to be a vexatious litigant: *Steve Davis v. The Living Trust of Michael J. Fitzgerald, Henry W. Ranspot*, 2:12-CV-1939 JCM (NJK) (D. Nev. Filed July 8, 2013). Under Idaho Court Administrative Rule 59(e), this Court is able to issue a pre-filing order based off of this finding alone.

Accordingly, the undersigned Administrative District Judge finds there is a basis to conclude that Steven Davis is a vexatious litigant and that a pre-filing order shall be entered

pursuant to I.C.A.R. 59(c), (d)(4), and (e). This finding is based upon the findings of fact, conclusions of law and analysis set forth above in this order

The undersigned Administrative District Judge finds that Steven Davis is a vexatious litigant as defined in I.C.A.R. 59. Steven Davis is prohibited 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.

Dated this 4<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Susan E. Wiebe  
Administrative District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order was forwarded to the following persons on this 5 day of June, 2018:

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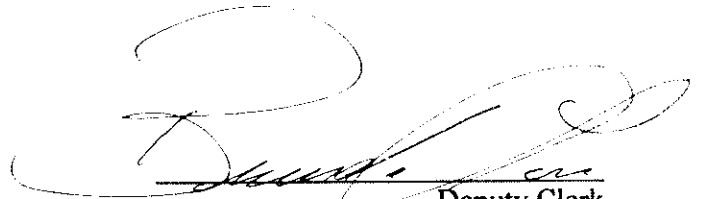
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