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Civil Court Case Information - Case History

Case Information

Case Number: CV2015-094645 Judge: Warner, Randall
 File Date: 10/21/2015 Location: Downtown
 Case Type: Civil

Party Information

Party Name	Relationship	Sex	Attorney
Robert G White	Plaintiff	Male	Pro Per
Rick Poster	Defendant	Male	Pro Per
Poster Law Firm P L C	Defendant		Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
10/14/2016	RNM - Returned Mail Minute Entry	10/14/2016	
	NOTE: Returned Mail Minute Entry		
10/14/2016	047 - ME: Judgment Of Dismissal	10/17/2016	
9/29/2016	023 - ME: Order Entered By Court	9/29/2016	
9/12/2016	RNM - Returned Mail Minute Entry	9/12/2016	
	NOTE: Returned Mail Minute Entry		
9/7/2016	MAJ - Mot/Aff Entry Def Jud W/O Hear	9/9/2016	Plaintiff(1)
8/26/2016	019 - ME: Ruling	8/26/2016	
8/24/2016	MXS - Motion To Extend Time For Service	8/26/2016	Plaintiff(1)
8/17/2016	AAS - Affidavit Of Attempted Service	8/23/2016	
8/11/2016	AAS - Affidavit Of Attempted Service	8/19/2016	
7/27/2016	NPD - Notice Case on Dismissal Calendar	7/27/2016	
7/21/2016	AAS - Affidavit Of Attempted Service	7/28/2016	
7/21/2016	AFS - Affidavit Of Service	7/28/2016	
	NOTE: POSTER LAW FIRM PLC		
6/23/2016	RNM - Returned Mail Minute Entry	6/23/2016	
	NOTE: Returned Mail Minute Entry		
6/9/2016	060 - ME: Case Transfer Cc	6/9/2016	
3/31/2016	RNM - Returned Mail Minute Entry	3/31/2016	
	NOTE: Returned Mail Minute Entry		
3/23/2016	311 - ME: 150 Day Minute Entry	3/23/2016	
3/18/2016	023 - ME: Order Entered By Court	3/18/2016	
2/22/2016	AAS - Affidavit Of Attempted Service	2/24/2016	
2/22/2016	AAS - Affidavit Of Attempted Service	2/24/2016	
2/3/2016	MOT - Motion	2/4/2016	Plaintiff(1)
	NOTE: TO EXTEND SUMMONS DEADLINE		
1/27/2016	322 - ME: Notice Of Intent To Dismiss	1/27/2016	
10/21/2015	COM - Complaint	10/22/2015	Plaintiff(1)
10/21/2015	CCN - Cert Arbitration - Not Subject	10/22/2015	Plaintiff(1)
10/21/2015	CSH - Coversheet	10/22/2015	Plaintiff(1)

Case Calendar

There are no calendar events on file

Judgments

There are no judgments on file

MICHAEL K. JEANES
Clerk of the Superior Court
By Judy Baker, Deputy
Date 10/21/2015 Time 14:16:36

Superior Court of Arizona
County of Maricopa

Description	Amount
CASE# CV2015-094645 CIVIL NEW COMPLAINT	319.00
TOTAL AMOUNT	319.00

Receipt# 24851481

Robert White
#67655-308
Federal Prison Camp La Tuna
P.O. Box 8000
Anthony, TX 88021

Robert G. White,
Plaintiff, Pro Se

v

Rick Poster
AKA The Poster Law Firm, PLLC
Defendant,

COMPLAINT

This Motion is filed for the purpose of stating a Legal Malpractice claim for Nonfeasance and Neglect against Defendant Rick Poster, here after referred to as Poster.

JURISDICTION, PARTIES and VENUE

1. Jurisdiction of this court is invoked as the amount demanded is in excess of \$10,000 and both parties resided in Arizona at time of injury.

Plaintiff is currently Incarcerated at:
Federal Prison Camp La Tuna in Anthony, TX

Defendant Poster is a current Resident of Arizona.

2. The civil forfeiture case Poster was hired to defend for Robert was held in United States District Court in Maricopa County, AZ.

CLAIMS

3. Arizona Legal Malpractice is alleged against Defendant as well as violation of Rule 42 for Rules of Professional Conduct, Section 1.3-Diligence.

4. In approximately May of 2012 Poster was hired to Defend Robert in a Civil Forfeiture Case, case #2:12-CV-02258-DGC, involving 20 items in Federal Court in the District of Arizona. In April of 2013 Robert was found guilty of 5 charges in Federal court, Criminal Case #2:11-CR-01243-SRB, and had 10 of the 20 items seized at that time. Of the remaining ten items, eight were weapons related items and would not be releasable to Robert or any party on his behalf. This leaves two items, #14 a 2005 Harley Davidson Motorcycle and #16 a Bag of

Collectible Coins, that Poster would be defending in court for Robert, item #14 was a 2005 Custom Harley Davidson Motorcycle valued at \$45,000 and item #16 was a Bag of Collectible Coins given to Robert by his deceased Grandfather with a value to owner of over \$10,000.

5. Poster failed to file paperwork to return and execute the government's request for admissions. As per the Courts response to Prosecutor, "Unanswered requests for admissions are deemed admitted and may be relied on as the basis for granting summary judgment", which the courts decided to do on 10 October 2013.

6. Poster claims to have had no knowledge of the criminal case verdict until Oct 2013, however there are emails between Robert's brother Lyle White and Poster from April 2013 informing him of the verdict of the criminal case. It is also written in the court documents that the prosecuting side of the civil case tried repeatedly to get in touch with Poster in regards to him filing the appropriate paperwork.

6. Poster was notified of the Court's decision by Robert's brother Lyle White, whom he designated as his Attorney in Fact in all matters, on or about 12 October 2013. On 18 October 2013 Poster filed a motion to reconsider stating he had neglected Robert's case to handle a larger case that he was litigating at the same time. He also stated in his Motion to Reconsider that he was dropping all of Robert's claims on his property, he did this without notifying either Robert or Lyle White. On 23 October 2013 Poster's Motion to Reconsider was denied.

7. It was not until 29 October 2013 that Robert was informed of this denial and the fact that Poster had dropped all of Robert's claims, as that is when Lyle entered the PACER system and downloaded a copy of the court records.

8. Robert is alleging that with the financial proof that was provided to Poster in 2012 that Poster would have been able to reclaim those items for him as they were clearly not related to any Drug or Money Laundering Charges. The US Prosecutor in the criminal case claimed Robert was associated with a Drug Trafficking Organization as far back as September 2009 but due to the RICO Act was associated with all felonious activity associated with the DTO back to when the US Government believes this DTO began operating in 2007.

9. Robert purchased his 2005 Harley Davidson Road King in January 2005 and paid for the balance of the loan in February 2005 with a home equity line of credit. This home equity line of credit was paid for from the proceeds of the sale of his house in Glendale, AZ Jan 2006. The HD was later customized by Robert's friend Nick Trask of Trask Turbo in North Phoenix. Trask did this customization of Robert's HD to showcase a new direction he was taking his talents and skill in. Robert's bike was showcased in several motorcycle magazines and he won several show competitions with the work that Trask had completed on

his HD. This motorcycle was never shown to be connected to any criminal activity and was released to Robert because of this fact.

10. The bag of coins was given to Robert by his deceased Grandfather, these were collectible coins that his Grandfather collected at the end of his tours in World War Two in Germany and a tour in Korea while serving in the Army, and other coins he collected throughout his life. The coins are valued in excess of \$10,000 but the actual value to owner is far more than that due to the sentimental value. These coins were never shown to be connected to any criminal activity and were released from the criminal case because of this fact.

11. During the time he represented Robert, Poster generally failed to follow the accepted standards for the practice of law, to the detriment of Robert.

WHEREFORE, Plaintiff requests the following relief:

12. For the above stated circumstances, Robert is asking to be compensated for his losses, lawyer's fees paid to Poster, court fees associated with the filing of this suit and 25% in damages due to the extra stress this has caused him during his incarceration:

A. Harley Davidson Motorcycle VIN#1HD1FRW185Y632422 appraised at \$45,000.

B. Bag of Collectible Coins valued at over \$10,000

C. Reimbursement of fees paid to Poster to represent Robert in trial to which Poster was paid \$5,000.

D. Damages to Robert for having to deal with the mental stress and trauma of being forgotten and dismissed by his hired counsel. Poster decided he could ignore any obligation to Robert, and take advantage of the situation of Robert being currently incarcerated. Robert is asking for 25%, or \$13,750, of the total amount of the value of his property that Poster would have been defending in court, that was seized due to his negligence.

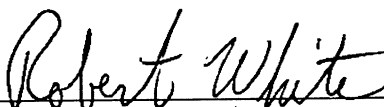
E. An award of prejudgment interest from the date of this Complaint until the date judgment is entered at the rate of ten percent (10%) per annum

F. An award of post-judgment interest from the date judgment is entered until paid at the rate of ten percent (10%) per annum.

G. An award of court costs and reasonable attorney's fees, as necessary, as applicable by law.

H. For such other relief as the Court deems just and proper.

RESPECTFULLY submitted this 21st Day of October, 2015.


Robert White, Pro Se

MICHAEL K. JEANES, CLERK
RECEIVED NW
DOCUMENT DEPOSITORY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

16 JUL 21 PM 2:46

ROBERT WHITE)
)
PLAINTIFF(S)/PETITIONER(S))
vs.)
)
RICK POSTER AKA)
THE POSTER LAW FIRM PLLC)
)
DEFENDANT(S)/RESPONDENT(S))
)

CV2015-094645

DECLARATION OF ATTEMPTED SERVICE BY
PRIVATE PROCESS SERVER

GENERAL DESCRIPTION OF DOCUMENTS ATTEMPTED TO BE SERVED:

SUMMONS; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION; MOTION TO EXTEND SUMMONS
DEADLINE; CIVIL CASE COVER SHEET

**I ATTEMPTED TO SERVE TRUE COPIES OF THE ABOVE LISTED DOCUMENTS ON THE PERSON/
ENTITY LISTED BELOW:**

PERSON/ENTITY: RICK POSTER AKA THE POSTER LAW FIRM PLLC

HOW:

ATTEMPTED TO SERVE DEFENDANT RICK POSTER AKA THE POSTER LAW FIRM PLLC AT ADDRESS BY
ATTEMPTING TO SERVE RICK POSTER, REGISTERED STATUTORY AGENT OF THE POSTER LAW FIRM PLLC AT THE
ADDRESS OF RECORD WITH THE ARIZONA CORPORATION COMMISSION OF 11022 N. 28TH DR #155, PHOENIX,
AZ 85029 ON 7/20/16 8:45 AM- ADDRESS IS A SUITE FOR A COMPANY CALLED "AMERIGAS", I SPOKE TO
EMPLOYEE WHO CONFIRMED SHE HAD NO KNOWLEDGE OF RICK POSTER OR THE POSTER LAW FIRM PLLC.
NOTE I ALSO ATTEMPTED ADDRESS ON THE POSTER LAW FIRM PLLC WEBSITE OF 11024 N. 28TH DR #200,
PHOENIX, AZ 85029- ADDRESS IS FOR AN EXECUTIVE SUITES/VIRTUAL OFFICE COMPANY. I SPOKE TO
RECEPTIONIST WHO STATED THAT RICK POSTER DOES NO LONGER HAVE AN OFFICER HERE AND STATED THAT
HE OCCASIONALLY RECEIVES MAIL THERE HE RETRIEVES.

**THE UNDERSIGNED CERTIFIES UNDER PENALTY OF PERJURY THAT I AM CERTIFIED TO SERVE PROCESS IN
THIS ACTION WITHIN THE STATE OF ARIZONA; HAVING BEEN SO CERTIFIED AND REGISTERED BY THE
SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA, AND THAT THE ABOVE IS TRUE AND ACCURATE TO
THE BEST OF MY KNOWLEDGE.**

DECLARANT _____
CAMERON JANATI
ARIZONA PROCESS SERVICE LICENSE #7752
July 20, 2016

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-094645

08/24/2016

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

ROBERT G WHITE

ROBERT G WHITE
67655-308 C/O F P C LA TUNA
P O BOX 8000
ANTHONY TX 88021

v.

RICK POSTER, et al.

RICK POSTER
11024 N 28TH DR
PHOENIX AZ 85029

RULING

Before the court is Plaintiff's August 24, 2016 Motion to Extend Time to Serve Process Deadline. This case has been pending for 10 months, which is more than adequate to permit service on Defendant.

IT IS ORDERED denying the Motion.

Office Distribution

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

3

MICHAEL K. JEANES, CLERK
BY *MPolimer* DEP
FILED

16 OCT 14 AM 7:58

CIVIL COURT ADMINISTRATION

CLERK OF THE COURT
MICHAEL K. JEANES

Deputy: F. SAWYER
CV COURT ADMIN.

10/11/2016

CV2015-094645

ROBERT G. WHITE

ROBERT G. WHITE
#67655-308 C/O F P C LA TUNA
PO BOX 8000
ANTHONY TX 88021

VS.

RICK POSTER

RICK POSTER
018115

HON. RANDALL WARNER

DISMISSAL FOR LACK OF PROSECUTION

Court records reflect this case was previously placed or extended on the dismissal calendar for dismissal unless specified action was taken before a certain date. The date has passed, and the specified action has not been taken.

IT IS THEREFORE ORDERED dismissing all unadjudicated claims of this case without prejudice for lack of prosecution.



SPECIAL COMMISSIONER