

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-015763

11/06/2015

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

COTTONFLOWER GOODYEAR
COMMUNITY ASSOCIATION INC

BETH MULCAHY

v.

MALIK BEY, et al.

MALIK BEY
2267 S 173RD DR
GOODYEAR AZ 85338

COMM. MORROW

RULING – CIVIL PRESIDING JUDGE

Before the court is Defendant Malik Bey's November 4, 2015 Motion for Peremptory Challenge Motion for Disqualification for Lack of Impartiality Under Judicial Ethics Rule 81, Canons 1-5, Code of Judicial Conduct Code and Pursuant to AZ. R. of Civ. P. 42 (f)(1), which the court construes as a motion for change of judge for cause. In part, the Motion seeks a change under A.R.S. § 12-409(B)(5) based on an allegation of bias and prejudice. "Bias and prejudice means a hostile feeling or spirit of ill-will, or undue friendship or favoritism, towards one of the litigants." *In re Guardianship of Styer*, 24 Ariz. App. 148, 151, 536 P.2d 717, 720 (1975). Judicial bias or prejudice ordinarily must come from an extrajudicial source and not what the judge has done in the case. *State v. Granados*, 235 Ariz. 321, 326, 332 P.3d 68, 73 (App. 2014). So a judge's rulings almost never constitute grounds for a change of judge based on bias or prejudice. *Id.*, 332 P.3d at 73. Applying this standard, the matters stated in Defendant's Motion do not demonstrate bias or prejudice.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-015763

11/06/2015

The Motion makes other arguments as to why Commissioner Morrow is not qualified or an appropriate judicial officer to handle this matter. None of those arguments is well-grounded in fact or law.

IT IS ORDERED denying the Motion.