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Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

Jie Cao, Haining Xia, Stone Xia
Name of Plaintiff or Petitioner

Case Number: CV2019-055353

Title: Motion to Support Treble Damages
sought in "Motion for Treble Damages"
submitted on January 6, 2020

Lorne Polger, Matt Quinn, Michael A. Schern
Name of Defendant or Respondent

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

In Arizona, punitive damages are available when the plaintiff can prove that the defendant acted with an "evil hand and evil mind". Arizona courts have held that a defendant acts with an evil hand and an evil mind when the defendant

- Intended to injure the victim
- Engaged in conduct that the defendant knew was unsafe and likely to injure the victim
- Engaged in conduct so outrageous that it can be assumed the defendant intended to injure the victim or that the defendant consciously disregarded the substantial risk of harm created by his/her conduct

When we filed the lawsuit on November 20, 2019, we could not anticipate any of the subsequent events (stated below) and therefore could not have asked for treble damages. However, since the commencement of the lawsuit, the Defendants have willfully engaged in a series of malicious and evil conducts, causing material damage to our properties and persons. Their clear purpose is to intimidate us so we would withdraw the case out of fear.

With regard to the first malicious and evil conduct by the Defendants causing harm to our properties and persons, we presented our case to the court in our motion submitted on January 6, 2020. We believed the Defendants had committed criminal trespassing (ARS 13-1501), theft (ARS 13-1802) and criminal damage (ARS 13-1602), and we sought treble damages because the Defendants acted with malice, intentionally causing harm on us.

The second incidence of malicious and evil conduct by the Defendants occurred on January 8, 2019. While I was calling and waiting for the Maricopa County Sheriff to arrive at the rental office of the Defendants, the manager (agent for the Defendants), called in the Tempe Police and falsely accused me of criminal trespassing. The accusation was completely groundless because my entry to the rental office was legal and my stay was also legal. The manager set a trap for me as she had asked me to wait and let her know when the sheriff arrived. The police officer refused to listen to my explanations or see my documents, refused to acknowledge the rental office was a public accommodation, arrested me and locked me up in the Tempe Municipal jail for the rest of the day. It was an assault and kidnapping under the color of the law. See Attachment for a detailed account of the events on January 8, 2020.

I intend to file civil claim against the arresting police officer for violating my civil rights. I also intend to pursue other actions against the manager for "false reporting to law enforcement agencies" (ARS 13-2907), but I also want the court to know, the Defendants, acting through their agent, were completely lawless and ruthless, and they would not stop at anything that stands in their way of money mongering. They would destroy us to win their case.

My experience was not an isolated incident. Schern has a history with this type of fraud/misconduct. His other three condo terminations were full of self-dealings and misrepresentations. I refer to Quatros (2014), Garden Lane (2015) and Quartros II (2016). In fact, his claim that when the owner of 80% can force the remaining owners to sell to the 80% is so illegitimate and unattainable that there was only one other attorney in the entire valley doing similar deals. And coincidentally, the two lawyers used almost identical template of the termination agreement. Through fraud, self-dealing and intimidation, Schern was able to get his deals done "ahead of schedule and under budget" (quoting his official bio). The people who lost their homes were angry but were told by Schern that was what the law said.

It's a shame to direct those poor people's anger at the state legislation when it was the evil greed of the lawyer and his client. I am a retired attorney (admitted to NY Bar in 1995 and WA Bar in 1999), and as a securities lawyer with some major NYC and London firms, I have fought for transparency and disclosure in my career. I did not invite this war after my retirement, but when it was declared on me by this illegitimate business and its cahoots, I chose to fight. This is the time to stop them from bulldozing over other people's lives. Absent of treble damages, the Defendants would simply carry on with their predatory hostile take-overs. These are the reasons we are seeking treble damages.

Today's Date:

01/21/2020


Your Signature

**This page must be completed and attached
to the LAST page of your Motion/Request**

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: 02 / 21 / 2020
Month Date Year

I mailed/delivered a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): Popham, on 01 / 21 / 2020 (Judicial Officer assigned to your case)
Month Date Year

I mailed/delivered a COPY of the attached document(s) on this date: 01 / 21 / 2020 To: Schem
Month Date Year

(You must mail a copy of all documents to the other side and his/her lawyer)

Schem, Michael
Name of Other Side Name of Other Side's Lawyer
1640 S Stapley Dr, Ste 132
Address Lawyer's Address
Mesa, AZ 85204
City, State, Zip City, State, Zip

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the judge in my case will not read my request/motion.

[Signature]
Your signature