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### In re Prefiling Order Declaring Vexatious Litigant, Pursuant to I.C.A.R. 59. Clerk's Record Dckt. 45459

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IN THE SUPREME COURT OF THE  
STATE OF IDAHO

In Re: PREFILING ORDER DECLARING )  
VEXATIOUS LITIGANT, PURSUANT TO )  
I.C.A.R. 59. )  
\_\_\_\_\_ )

RONALD L. VAN HOOK, )  
Vexatious Litigant-Appellant, )

v. )

BRADLY S. FORD, ADMINISTRATIVE )  
DISTRICT JUDGE, THIRD JUDICIAL )  
DISTRICT, )  
Respondent. )

Supreme Court No. 45459-2017

Appeal from the Third Judicial District, Canyon County, Idaho.

HONORABLE BRADLY S. FORD, Presiding

Ronald Van Hook, pro se, 204 N. Main, Homedale, Idaho 83628

Attorney for Appellant

Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

Attorney for Respondent

CANYON COUNTY DISTRICT COURT

**CASE SUMMARY**  
**CASE NO. CV-2017-3444**

**In The Matter Of**  
**In Re: Motion to Declare Ronald L. Vanhook a Vexat**

§  
§  
§  
§  
§

Location: **Canyon County District Court**  
 Judicial Officer: **Ford, Bradly S.**  
 Filed on: **03/30/2017**  
 Case Number History:  
 Previous Case Number: **CV-2017-3444-C**

CASE INFORMATION

**Statistical Closures**  
 09/21/2017 Closed

Case Type: **Other Civil Claims- In the matter of**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	CV-2017-3444
Court	Canyon County District Court
Date Assigned	03/30/2017
Judicial Officer	Ford, Bradly S.

PARTY INFORMATION

**Subject**                    **In Re: Motion to Declare Ronald L. Vanhook a Vexat**  
**Other Party**            **Vanhook, Ronald L**

DATE

EVENTS & ORDERS OF THE COURT

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01/27/2017	Affidavit <i>of Kimberli A. Stretch in Support of Motion for Referral to Administrative Judge RE: Vexatious Litigation - COPY FROM CV-14-7409</i>	
01/31/2017	Notice of Hearing <i>COPY FROM CV-14-7409</i>	
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**CASE SUMMARY****CASE No. CV-2017-3444***RE: Motion for Referral to Administrative Judge RE: Vexatious Litigation - COPY FROM CV-14-7409*

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06/02/2017	Decision or Opinion <i>Proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59</i>
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06/09/2017	Hearing Scheduled <i>Hearing Scheduled (Motion Hearing 07/17/2017 10:00 AM) Vanhooks Response</i>
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07/17/2017	<b>CANCELED Motion Hearing (10:00 AM) (Judicial Officer: Ford, Bradley S.)</b> <i>Vacated Vanhooks Response Hearing result for Motion Hearing scheduled on 07/17/2017 10:00 AM: Hearing Vacated</i>
07/19/2017	Order <i>Order Scheduling Hearing</i>
08/31/2017	DC Hearing Held: Court Reporter: # of Pages: <i>Hearing result for Special Setting scheduled on 08/31/2017 09:00 AM: District Court Hearing Held Court Reporter: Debora Kreidler Number of Transcript Pages for this hearing estimated: less than 100 pages</i>
08/31/2017	Hearing Held

**CASE SUMMARY**  
**CASE NO. CV-2017-3444**

*Hearing result for Special Setting scheduled on 08/31/2017 09:00 AM: Hearing Held  
 R.VanHook's Jurisd.Challenge to Proposed Prefiling Order*

08/31/2017	<p><b>Special Setting (9:00 AM)</b> (Judicial Officer: Ford, Bradly S.)  <i>R.VanHook's Jurisd.Challenge to Proposed Prefiling Order Hearing result for Special Setting scheduled on 08/31/2017 09:00 AM: District Court Hearing Held</i>  <i>Court Reporter: Debora Kreidler</i>  <i>Number of Transcript Pages for this hearing estimated: less than 100 pages</i></p>
09/20/2017	<p>Decision or Opinion  <i>Prefiling Order Declaraing Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59</i></p>
09/21/2017	<p>Civil Disposition Entered  <i>Civil Disposition entered for: In Re: Motion to Declare Ronald L. Vanhook a Vexat, Subject. Filing date: 9/21/2017</i></p>
09/21/2017	<p>Status Changed  <i>Case Status Changed: Closed</i></p>
09/21/2017	<p><b>Judgment - Other:</b>          Comment (Vexatious Litigant )          Party (In Re: Motion to Declare Ronald L. Vanhook a Vexat)</p>
10/06/2017	<p>Appeal Filed in Supreme Court</p>
10/06/2017	<p> Notice of Appeal</p>

**DATE**

**FINANCIAL INFORMATION**

<b>Other Party</b> Vanhook, Ronald L	
Total Charges	229.00
Total Payments and Credits	229.00
<b>Balance Due as of 12/1/2017</b>	<b>0.00</b>

**F I L E D**  
A.M. 14 P.M.

**JUN - 2 2017**

**CANYON COUNTY CLERK  
T. PETERSON, DEPUTY**

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

RONALD L. VAN HOOK,

Plaintiff,

vs.

DAWN R. CANNON,  
f/k/a DAWN R. VAN HOOK,

Defendant.

**CASE NO. CV-2014-7409-C**

**AND**

**IN RE: MOTION TO DECLARE  
RONALD L. VANHOOK A VEXATIOUS  
LITIGANT**

**CASE NO. CV-2017-3444**

**ORDER TO OPEN NEW FILE, FILE  
DUPLICATED PLEADINGS AND  
DESIGNATE CAPTION**

This matter is before the court on a motion filed pursuant to Idaho Court Administrative Rule (“I.C.A.R.”) 59(d). On January 27, 2015, Kimberli A. Stretch, an attorney representing Dawn Renee Cannon, filed a motion captioned as a “Motion for Referral to Administrative Judge Re: Vexatious Litigation[,]” along with a supporting affidavit of counsel in the case entitled *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C. The

matter was subsequently referred to the undersigned Third Judicial District Administrative District Judge. This court has determined that the “Motion for Referral to Administrative Judge Re: Vexatious Litigation” and related pleadings should be addressed as a separate civil proceeding bearing a separate caption and addressed by the undersigned Third Judicial District Administrative District Judge.

This order is entered to promote convenience, to avoid prejudice, and to promote judicial economy and efficiency pursuant to Idaho Rule of Civil Procedure 42(b). Since the issue of an alleged vexatious litigant applies to other possible cases and can be appealed directly to the Idaho Supreme Court, this court believes the matter is better addressed as a separate civil proceeding bearing its own caption and a separate case number. Such a severance would help avoid confusion with other pleadings filed in the case of *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C, a domestic relations proceeding, as well as other cases to which the order might apply

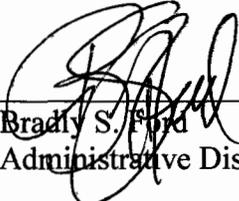
Accordingly, the court orders that the “Motion for Referral to Administrative Judge Re: Vexatious Litigation” and related filings shall be assigned a separate case number, and shall proceed and be captioned as *In Re: Motion to Declare Ronald L. VanHook A Vexatious Litigant*, Canyon County Case CV-2017-3444-C. The following listed documents and minutes filed in the case entitled *Ronald L. VanHook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409 shall be duplicated and attached to this order and filed in the new case entitled *In Re: Motion to Declare Ronald L. VanHook A Vexatious Litigant*, Canyon County Case No. CV-2017-3444-C. These duplicated documents and minutes shall be treated as originals for purposes of the consideration and determination of vexatious litigant issues addressed in this case. The attached documents and minutes are as follows:

- Motion for Referral to Administrative Judge RE: Vexatious Litigation filed January 27, 2017;
- Affidavit of Kimberli A. Stretch in Support of Motion for Referral to Administrative Judge RE: Vexatious Litigation filed January 27, 2017;
- Motion to Shorten Time filed January 27, 2017;
- Notice of Hearing filed January 31, 2017;
- Notice Dismissing Motion to Shorten Time filed February 3, 2017;
- Minutes of hearing conducted on February 14, 2017, before Judge Bradley S. Ford;
- All exhibits presented to the court during the February 14, 2017 hearing regarding the vexatious litigant allegations;
- Notice Regarding Service of Motion Re Vexatious Litigation filed February 14, 2017;
- Response to: Notice Regarding Service of Motion RE Vexatious Litigation [ ] Request for Hearing – Alternatively – Request for Respondents Voluntary Dismissal with advance notice to Plaintiff filed February 28, 2017;
- Order Re: Motion For Referral to Administrative Judge Re: Vexatious Litigation filed March 31, 2017;
- Notice of Hearing filed April 7, 2017;
- Minutes of hearing conducted on April 27, 2017, before Judge Gary D. Demeyer;
- Order For Referral To Administrative Judge RE: Vexatious Litigation filed April 27, 2017.

All subsequently filed documents regarding the vexatious litigant proceeding shall be filed in the case entitled *In Re: Motion to Declare Ronald L. Van Hook A Vexatious Litigant*, Canyon County Case CV-2017-3444-C.

IT IS SO ORDERED.

DATED this 2nd day of June, 2017.

  
 \_\_\_\_\_  
 Bradley S. Ford  
 Administrative District Judge

## CERTIFICATE OF SERVICE

The undersigned certifies that on 7 June ~~March~~ 2017, s/he served a true and correct copy of the original of the forgoing **ORDER** on the following individuals in the manner described upon:

- **Ronald Van Hook**  
204 N. Main  
Homedale, ID 83628

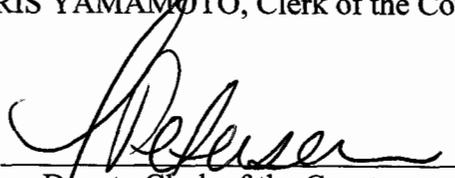
*Pro se*

- **Kimberli A. Stretch**  
Idaho Legal Aid Services, Inc.  
1305 3<sup>rd</sup> Street South  
Nampa, ID 83651

*Attorney for Dawn R. Cannon*

when s/he placed the same into the latter's respective "pick up" box at the Canyon County Clerk's office, Canyon County Courthouse, Caldwell, Idaho, or when s/he deposited the same in U.S. Mail.

CHRIS YAMAMOTO, Clerk of the Court

By: 

Deputy Clerk of the Court

JUN - 2 2017

CANYON COUNTY CLERK  
T. PETERSON, DEPUTY

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

**IN RE: MOTION TO DECLARE  
RONALD L. VAN HOOK A VEXATIOUS  
LITIGANT**

**CASE NO. CV- 2017-0003444-C  
PROPOSED PREFILING ORDER  
DECLARING VEXATIOUS LITIGANT  
PURSUANT TO IDAHO COURT  
ADMINISTRATIVE RULE 59**

This matter is before the court on a motion and referral filed pursuant to Idaho Court Administrative Rule (“I.C.A.R.”) 59(d), requesting the undersigned Administrative District Judge of the Third Judicial District to determine whether Ronald L. Van Hook should be deemed a vexatious litigant as defined by that rule.

**Procedural History**

On January 27, 2017, Kimbereli Stretch, an attorney representing Dawn Renee Cannon in the case captioned *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C, filed a motion captioned as a “Motion for Referral to Administrative Judge Re: Vexatious Litigation[.]” along with a supporting affidavit of counsel. The motion requests an evidentiary hearing and asks that the matter be referred to the undersigned Third Judicial District Administrative Judge (ADJ) for purposes of determining whether Ronald L. Van Hook should be declared a vexatious litigant pursuant to the provisions of Idaho Court Administrative Rule 59.

Following the filing of the motion, no initial written or oral record was made regarding the request for referral, but the file was delivered to the undersigned ADJ for consideration at the direction of the magistrate judge presiding over the underlying proceeding and/or his staff. This was in essence an informal referral not reflected in the record.

On February 14, 2016, the undersigned ADJ conducted a preliminary status conference and hearing on the motion. Ms. Cannon was not present but was represented by Kimberli Stretch. Mr. Van Hook appeared *pro se*. The court heard arguments from the parties and received and marked two exhibits submitted by Mr. Van Hook. The first exhibit, marked as Exhibit #1, was alleged by Mr. Van Hook to be a copy of a document filed in Adams County Case CV-2017-3664 while the second, marked as Exhibit #2, is a thumb drive that Mr. Van Hook represented to the court contained audio recordings of all hearings conducted, as well as PDF copies of all pleadings filed in the matter to date. The court advised Mr. Van Hook that it would consider documents filed in the referenced files, and that it would review the audio recordings of the record only if it found it to be necessary. Mr. Van Hook also noted during the hearing that he had only received Ms. Cannon's documents related to this motion on February 9, 2017, apparently because mail delivery to his home address had been interrupted by extreme winter weather conditions. Mr. Van Hook stated that he did not think that he had been afforded sufficient time to respond to the motion, but then declined to request that the court continue the hearing, or otherwise permit him an opportunity to further prepare his response.

The court advised the parties that if it preliminarily found that Mr. Van Hook was a vexatious litigant, it would act in accordance with the procedures outlined by I.C.A.R. 59, under which the court would issue a proposed prefiling order and provide Mr. Van Hook the

opportunity to file a timely response (within fourteen days) to such an order, and at the court's discretion allow a possible additional hearing on Mr. Van Hook's response. *See* I.C.A.R. 59(e).

On February 28, 2017, Mr. Van Hook filed a document captioned as "Response to: Notice Regarding Service of Motion RE Vexatious Litigation [] Request for Hearing – Alternatively – Request for Respondents Voluntary Dismissal with advanced notice to Plaintiff." The response includes as an exhibit a printout Mr. Van Hook suggests supports the assertion he made during the February 14, 2017 hearing regarding disruptions in regular mail service to his home address. The motion requests a hearing, apparently on the issue of whether those disruptions did or did not cause Mr. Van Hook to receive those materials on February 9, 2017, as he claims. The motion also, and somewhat confusingly, appears to request that the court order Ms. Cannon to voluntarily dismiss her I.C.A.R. 59 motion. Ms. Cannon has not filed a response or objection to Mr. Van Hook's latest filing. This matter will not be further addressed in this order as Mr. Van Hook will be given an opportunity to respond to the proposed prefilng order regarding vexatious litigant finding.

After further review of the file and I.C.A.R. 59, the undersigned ADJ determined that no formal order referring the matter to the Administrative District Judge had been entered by the magistrate judge presiding over the case, *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C or had otherwise been made a part of the record. The undersigned ADJ entered an Order Re: Motion For Referral To Administrative Judge Re: Vexatious Litigation on March 31, 2017, noting that the court did not have authority to further address the issue as no formal referral had been made in compliance with I.C.A.R. 59(c). A notice of hearing was filed April 7, 2017, scheduling the matter back before presiding Magistrate Judge Gary D. DeMeyer for hearing on April 27, 2017. Following that hearing, Judge DeMeyer

entered a written Order For Referral To Administrative Judge Re: Vexatious Litigation on April 27, 2017.

Contemporaneously with the filing of this present order, the court is filing a separate written order entitled "Order To Open New File, File Duplicated Pleadings, And Designate Caption" ordering that this vexatious litigant proceeding be addressed in a separate proceeding as captioned above. The court also ordered that the all filings and minutes in Canyon County Case CV-2014-7409-C relating to this vexatious litigant motion be duplicated and placed in the new filed captioned *IN RE: MOTION TO DECLARE RONALD L. VAN HOOK A VEXATIOUS LITIGANT* Canyon County case, CV-2017-0003444. This separate file was opened to provide a full record for appellate review outside the context of the various other proceedings referred to in this order. All subsequent filings that relate to the vexatious litigant motion are to be filed in the above entitled proceeding. The court has considered the full record in this matter and the cases cited below to this point and finds as follows.

#### **Findings of Fact**

##### **Canyon County Case CV-2014-7409-C**

1. On July 15, 2014, Mr. Van Hook filed a *pro se* complaint addressing child custody, visitation, and/or support in the case entitled *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C. On July 18, 2014, Mr. Van Hook filed an amended complaint that sought a decree of legal separation from his wife, Dawn R. Van Hook, nee Dawn Renee Cannon, and asking for custody of the parties' three minor children. Mr. Van Hook moved the court for authorization to serve Ms. Cannon by publication in Canyon County, the purported last known residence of Ms. Cannon. On July 21, 201, Judge DeMeyer granted the

request and ordered that service could be made by publication in accordance with the applicable rules.

2. On August 11, 2014, Mr. Van Hook, proceeding *pro se*, filed three self-styled motions to compel. First, Mr. Van Hook filed a motion asking the court to compel the Idaho Department of Health and Welfare to permit Mr. Van Hook access to all records in its possession that relate to the parties' three minor children. Second, Mr. Van Hook filed a motion seeking an order compelling Cricket Wireless to produce materials responsive to a subpoena *duces tecum* that had previously been served on that entity. The subpoena *duces tecum* sought delivery of records for a cell phone that belonged to Ms. Cannon. Third, Mr. Van Hook filed a motion asking the court to compel the staff members of "Hopes Door," a women's shelter located in Caldwell, Idaho, to disclose the whereabouts of the parties' minor children. All three motions were scheduled for hearing on August 28, 2014. On August 22, 2014, attorney Dena M. Jaramillo filed a notice of appearance on behalf of Mr. Van Hook. On August 28, 2014 Judge DeMeyer called the case, noted that neither party had appeared and apparently denied the three motions. Mr. Van Hook thereafter retained a new attorney, Steven Fischer. On September 3, 2014, attorney Steven Fischer filed a notice of substitution of counsel, and on September 9, 2014, Mr. Van Hook, through his new counsel, filed a motion for entry of default and a separate motion for a writ of assistance. The motions were heard on September 11, 2014. Mr. Van Hook appeared and was represented by his attorney. Ms. Cannon failed to appear, and following the hearing Judge DeMeyer found for Mr. Van Hook and entered a decree of legal separation and custody as sought.

3. On October 24, 2014, Ms. Cannon, through her attorney Mary Grant of Idaho Legal Aid Services Inc., moved to set aside the order of default on the basis that she had never been

personally served with notice of the action and had been residing in Adams County when Mr. Van Hook had attempted service by publication. The matter was scheduled for a hearing on November 13, 2014. Ms. Cannon also filed a motion *in limine* that requested Judge DeMeyer take judicial notice of a Report of Child Protection Investigation (hereinafter "Report") that had been prepared in connection with Adams County Case CV-2014-3311. The Adams County case was initiated by Ms. Cannon, who was residing in Adams County at the time. Ms. Cannon sought a civil protection order against Mr. Van Hook, who Ms. Cannon alleged had stalked her, made threats to her safety, and had engaged in physical, mental, and emotional abuse. A temporary ex-parte protection order was entered, and following a hearing during which the Report was considered, a one year civil protection order was entered against Mr. Van Hook for the protection of Ms. Cannon.

4. On October 29, 2014, Judge DeMeyer granted Ms. Cannon's motion *in limine* and took judicial notice of the Report, a copy of which was filed by Ms. Cannon on November 3, 2014. Among other things, the Report notes that the parties' children stated that they were afraid of their father and that they wanted to remain with their mother. The report also indicates that Ms. Cannon described Mr. Van Hook's behavior as controlling, and that he had struck Ms. Cannon on more than one occasion.

5. On November 13, 2014, Judge DeMeyer heard Ms. Cannon's motion to set aside default. Ms. Cannon was not present but was represented by her attorney. Mr. Van Hook was present and was represented by his attorney, Steven Fischer. After considering the parties' arguments, Judge DeMeyer granted the motion, set aside the default judgment, and scheduled the matter for trial in August of 2015. On November 19, 2014, Judge DeMeyer also entered an order for mediation or for filing of a stipulated parenting agreement. On November 25, 2014, Ms. Cannon

filed an answer that included a counterclaim seeking full custody over the parties' children. The parties were apparently unable to reach agreement regarding the parenting and/or temporary custody of their children. On December 18, 2014, Judge DeMeyer appointed a child custody assessor to conduct a brief focused family and custody assessment pursuant to Idaho Code § 32-1402(8) and Idaho Rule of Evidence 706.

6. On March 9, 2015, Mr. Van Hook's attorney moved for leave to withdraw, citing Mr. Van Hook's failure to fulfill his financial obligations to him and failure to follow his advice. Ms. Cannon filed a notice of non-objection to the motion on March 23, 2015.

7. On March 23, 2015, Ms. Cannon filed a motion for temporary orders regarding the custody of the parties' children, and for payment of child support. Also on March 23, 2015, Ms. Cannon filed a motion for an immediate and temporary ex-parte restraining order asking the court to restrain Mr. Van Hook from having any contact with "RLV," the oldest of the parties' three children. The affidavit filed in support of that motion alleges that Ms. Cannon had learned during the course of the court ordered brief focused assessment that RLV had disclosed to the court appointed assessor that one of Mr. Van Hook's friends had committed an actual or attempted sexual battery on her during a period of time when she was under the care and supervision of Mr. Van Hook. On March 25, 2015, Judge DeMeyer entered a temporary protection order prohibiting Mr. Van Hook from having any contact with RLV during the pendency of any child protection or criminal investigation into the allegations.

8. On April 2, 2015, Ms. Cannon filed a motion to consolidate Canyon County Case CV-2014-7409-C and Adams County Case CV-2014-3311. On April 3, 2015, Mr. Van Hook filed *pro se* objections to Ms. Cannon's motion for temporary orders of custody and support, and to the temporary restraining order entered by the magistrate on March 25, 2015.

9. On April 16, 2015, Judge DeMeyer held a hearing on the various pending motions. Mr. Van Hook was present, as was his attorney Steven Fischer. After hearing the parties' arguments, the court granted attorney Fischer's motion to withdraw, granted Ms. Cannon's motion for a temporary order of custody and visitation, but denied Ms. Cannon's request for child support. Judge DeMeyer declined to rule on Ms. Cannon's motion to consolidate at that time.

10. On April 27, 2015, Mr. Van Hook, acting *pro se*, filed a motion captioned as a request for a temporary ex-parte restraining order and a separate motion seeking to disqualify Judge DeMeyer pursuant to Idaho Rule of Civil Procedure ("I.R.C.P.") 40(d)(1). The court conducted a hearing on the motions on May 7, 2015, at which point it was determined that Mr. Van Hook had yet to file a *pro se* appearance. The court directed Mr. Van Hook to file an appearance and refile his motions. Mr. Van Hook filed a notice of *pro se* appearance on May 22, 2015.

11. On May 18, 2015, Ms. Cannon filed a renewed motion to consolidate the Canyon and Adams county cases. Mr. Van Hook filed a notice of non-objection on May 22, 2015, and the magistrate entered a written order consolidating those matters on May 26, 2015. Pleadings from the Adams County case were duplicated and placed in a file denoted Canyon County Case CV-2015-3964-C which was deemed consolidated with Canyon County Case CV-2014-7409-C.

12. On May 28, 2015, Mr. Van Hook, acting *pro se*, filed: (1) an objection to the ex-parte restraining order entered by Judge DeMeyer on March 25, 2015; (2) a motion seeking to amend the order consolidating the Canyon and Adams county cases; (3) a motion to amend the temporary order of custody and visitation entered by Judge DeMeyer on April 16, 2015; (4) a motion to disqualify Judge DeMeyer pursuant to I.R.C.P. 40(d)(1); and (5) a self-styled notice of sanctions seeking an order finding Ms. Cannon to be in criminal contempt. Ms. Cannon filed

responsive pleadings on June 4, 2015, and a hearing on the motions was held on June 11, 2015. Following the hearing, Judge DeMeyer orally denied each of Mr. Van Hook's motions.

13. Thereafter, Mr. Van Hook filed several other *pro se* motions. On July 6, 2015, Mr. Van Hook, without leave of the court, filed an amended complaint for legal separation, as well as a pretrial memorandum. On July 7, 2015, Mr. Van Hook filed a motion for the appointment of a guardian ad litem and Judge DeMeyer conducted a hearing on that motion on July 11, 2015. The motion was denied by oral order. Also, on July 16, 2015, Mr. Van Hook filed a motion that asking for an order requiring both parties to undergo a polygraph examination. A hearing was held on that motion on July 20, 2015, after which it was denied by oral order as well.

14. On July 24, 2015, Ms. Cannon filed a notice of association of counsel indicating that attorney Kimberli A. Stretch of Idaho Legal Aid Services Inc. would thereafter represent her.

15. On August 3, 2015, Judge DeMeyer conducted a bench trial. Mr. Van Hook appeared *pro se*. The court admitted the brief focused assessment report prepared by the court appointed assessor into evidence, as well as several other exhibits. The court also heard testimony from Mr. Van Hook, Ms. Cannon, and five witnesses called by Mr. Van Hook. After both sides rested, the court informed the parties that it would announce its findings at a hearing scheduled for August 27, 2015. At that time, Judge DeMeyer granted Ms. Cannon sole legal custody of the parties' three children, with Mr. Van Hook awarded visitation on the second and fourth weekends of each month if the children wanted to participate in those visits. Judge DeMeyer further stated that the custody order he was announcing would supersede the temporary ex-parte restraining order regarding RLV that had previously been imposed. Ms. Cannon was granted a decree of divorce, and Ms. Cannon's attorney was directed to prepare and submit a written order

reflecting the courts findings, which she did. On September 9, 2015, the court filed a written Judgment and Decree of Divorce.

16. On September 23, 2015, attorney Virginia Bond filed a notice of appearance on behalf of Mr. Van Hook. On that same date, Mr. Van Hook, through counsel, filed a motion for a new trial pursuant to Idaho Rule of Family Law Procedure (“I.R.F.L.P.”) 807(a), as well as a separate motion for reconsideration pursuant to I.R.F.L.P. 503(b). Ms. Cannon filed responsive pleadings on October 7, 2015. On December 24, 2015, before either motion could be brought on for hearing, Mr. Van Hook moved to withdraw them. On December 30, 2015, Mr. Van Hook filed a motion to change venue, and scheduled the matter for a hearing on January 28, 2016. Ms. Cannon filed an objection to the motion on January 22, 2016. The magistrate judge conducted a hearing on those motions. At that time, the parties represented to the court that they were attempting to reach a resolution. The court continued the matter and did not rule on the pending motions. The parties were ultimately unable to reach an agreement.

17. On March 8, 2016, Mr. Van Hook’s attorney, Virginia Bond, filed a motion to withdraw. The affidavits submitted in support of the motion indicate that Mr. Van Hook stated that he no longer trusted his attorney because he believed she had been “protecting” Judge DeMeyer. On that same date, Ms. Cannon’s attorney filed a notice of non-objection to Attorney Bond’s request for leave to withdraw, and Judge DeMeyer issued a written order denying Mr. Van Hook’s motion to change venue. On March 17, 2016, the court filed a written order granting Ms. Bond’s request for leave to withdraw.

18. On April 4, 2016, Mr. Van Hook, acting *pro se*, filed a motion to recuse Judge DeMeyer for cause, along with a supporting affidavit. The motion asserts that “Judge DeMeyer has had improper discussions with parties or counsel for one side in a case; treated [Mr. Van Hook] in a

demonstrably egregious and hostile manner; violated other specific mandatory standards of judicial conduct, such as judicial rules of procedure or evidence[.]” (Motion to Recuse Judge With Cause, filed April 1, 2016). Ms. Cannon filed an objection to the motion and a hearing was held on April 21, 2016. After the parties presented argument the court orally denied Mr. Van Hook’s motion and awarded Ms. Cannon costs and attorney’s fees incurred in relation to that motion. A written order to that effect was filed on April 26, 2016. On June 1, 2016, Mr. Van Hook filed a notice of appeal of that decision. The appeal was heard by Senior District Judge D. Duff McKee, who affirmed the magistrate’s denial of Mr. Van Hook’s motion to recuse as well as the magistrate’s award of attorney’s fees incurred in connection with that motion. Judge McKee specifically found that the award of attorney’s fees was proper because the motion to recuse was frivolous. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed September 18, 2016, at \*2). The order on appeal also awards Ms. Cannon her costs and attorney’s fees on appeal, expressly finding that appeal was without foundation and was therefore frivolous. (*Id.* at \*3).<sup>1</sup>

19. On October 20, 2016, Mr. Van Hook, proceeding *pro se*, filed a motion for order finding Ms. Cannon to be in criminal contempt, along with a notice of sanctions and a notice of arraignment on the alleged contempt; and a motion to change venue and/or new orders regarding custody. The motions were scheduled for hearing on November 3, 2016. Senior Magistrate Judge Howard Smyser presided over the matter on behalf of Judge DeMeyer, who was temporarily unavailable on the date of the hearing. Judge Smyser permitted Attorney Stretch to enter a plea of not guilty to the charged criminal contempt on behalf of her client, but otherwise

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<sup>1</sup> Ms. Cannon’s attorney filed a memorandum of costs on October 21, 2016, and an order granting an award of attorney’s fees in the amount sought (\$10,530.00) was filed on December 21, 2016. Mr. Van Hook filed a motion to reconsider that award on January 30, 2017, which was denied by written order dated March 1, 2017.

indicated that he had not been able to adequately review the matter and was not prepared to rule on any of Mr. Van Hook's motions. The matters were reset before Judge DeMeyer.

20. On November 7, 2016, Mr. Van Hook filed another motion seeking to disqualify Judge DeMeyer, along with a supporting affidavit. Also on November 7, 2016, Mr. Van Hook filed a motion apparently seeking reconsideration of Judge Smyser's decision to continue the hearing and defer ruling on Mr. Van Hook's motion to change venue and/or for a new order of custody, along with a supporting affidavit. The following day Ms. Cannon filed a motion to dismiss the charge of criminal contempt against her. Judge DeMeyer heard arguments on the pending motions on December 8, 2016, and thereafter denied all Mr. Van Hook's motions. The court further found that Mr. Van Hook's motions were frivolous and without foundation, and awarded Ms. Cannon costs and attorney's fees on that basis.<sup>2</sup> A written order memorializing those findings was filed on December 14, 2016.

21. On December 15, 2016, Mr. Van Hook appealed Judge DeMeyer's ruling. The appeal was again assigned to Judge McKee who, by written order dated March 20, 2017, affirmed the magistrate's denial of Mr. Van Hook's motion to disqualify Judge DeMeyer, and dismissed as waived Mr. Van Hook's remaining arguments on appeal. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed March 20, 2017, at \*6). Judge McKee further found that the appeal had been brought without foundation and was therefore frivolous.

#### **Other Proceedings Initiated by Mr. Van Hook**

22. In addition to the proceedings described above, Ronald Van Hook has commenced several other proceedings concerning Ms. Cannon and/or the parties' three minor children. On June 30, 2014, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van*

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<sup>2</sup> Ms. Cannon's attorney filed a memorandum of costs on December 28, 2016, and an order granting an award of attorney's fees and costs in the amount sought (\$2,180.20) was issued on January 24, 2017.

*Hook*, Canyon County Case CV-2014-6856-C, an action seeking a civil protection order against Ms. Cannon. Though a temporary civil protection order was entered by Magistrate Judge Kline, and was extended more than once to permit Mr. Van Hook to effectuate service of notice of this action by publication, the action was ultimately dismissed by order dated August 18, 2014.

23. On August 25, 2014, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook*, Canyon County Case CV-2014-8801-C, another action seeking a civil protection order against Ms. Cannon. The matter was likewise dismissed by order dated August 25, 2014.

24. On November 14, 2014, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook*, Canyon County Case CV-2014-11708-C, a third action in which he sought a civil protection order against Ms. Cannon. The matter was dismissed by order entered the same day it was filed.

25. On September 11, 2015, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook, et al.*, Owyhee County Case CV-2015-678-M, an action seeking a temporary ex-parte restraining order, apparently concerning the safety of the parties' minor children. The motion was assigned to Magistrate Judge Dan Grober, who denied it that same day.

26. On May 27, 2016, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook v. Dawn R. Cannon (f/k/a Van Hook)*, Canyon County Case CV-2016-5044-C, an action that sought writs of habeas corpus and/or mandamus and requested that Ms. Cannon be ordered to deliver the parties' children to the custody of Mr. Van Hook. The matter was assigned to District Judge Davis F. VanderVelde, who conducted a hearing on December 1, 2016. In an order issued dated December 16, 2016, Judge VanderVelde dismissed the petition for writ of mandamus and granted a motion by Mr. Van Hook to change the venue for the action seeking a writ of habeas

corpus to Adams County. The habeas corpus proceeding was thereafter been commenced in Adams County as *In The Matter Of The Application For A Writ Of Habeas Corpus On Behalf Of Ronald Lynn Van Hook*, Adams County Case CV-2017-3664, which case has been assigned to the Honorable Christopher S. Nye, and remains pending.

27. On December 1, 2016, Mr. Van Hook, acting *pro se*, commenced *Ronald Van Hook v. Dawn R. Cannon (f/k/a Van Hook), Gary DeMeyer, Kimberli Stretch, Mary Grant, Steven Fischer and Virginia Bond*, Canyon County Case CV-2016-11807-C, an action that seeks \$35,000,000.00 in civil damages against all named defendants, as well as a writ of mandamus that seeks an order mandating Judge DeMeyer to grant Mr. Van Hook's request for a change of venue. The case has been assigned to District Judge Chris Nye, and the matter remains pending.

#### Conclusions of Law

Proceedings governing vexatious litigants are governed by I.C.A.R. 59. This matter is properly before the court after formal referral by Judge DeMeyer in response to Ms. Cannon's attorney's motion. See I.C.A.R. 59(c) ("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.") I.C.A.R. 59(d) further states that:

[a]n administrative judge may find a person to be a vexatious litigant based on a finding that a person has done any of the following:

- (1) In the immediately preceding seven-year period the person has commenced, prosecuted or maintained *pro se* at least three litigations, other than in the small claims department of the magistrate division, that have been finally determined adversely to that person.
- (2) After a litigation has been finally determined against the person, the person has repeatedly relitigated or attempted to relitigate, *pro se*, either (A) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (B) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the

same defendant or defendants as to whom the litigation was finally determined.

- (3) In any litigation while acting *pro se*, 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.
- (4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding.

I.C.A.R. 59(d).

An administrative judge's findings regarding whether a particular litigant is or is not a vexatious litigant is a matter that is within that judge's discretion. *Telford v. Nye*, 154 Idaho 606, 611, 301 P. 3d 264, 269 (Idaho 2013)(“Rule 59 uses discretionary language:. . . Therefore, we hold that an abuse of discretion standard applies on review.”).

If this court is satisfied that one or more of the criteria described in I.C.A.R. 59 are present, the court is empowered to “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.” I.C.A.R. 59(c). Additionally, I.C.A.R. 59 provides the following specific steps that must be followed if the court 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. If a response is filed, the administrative district judge may, in his or her discretion, grant a hearing on the proposed order. If no response is filed within fourteen (14) days, or if the administrative district judge concludes following a response and any subsequent hearing that there is a basis for issuing the order, the administrative district judge may issue the prefiling order.

I.C.A.R. 59(e). Ms. Cannon argues that Mr. Van Hook, by his actions, qualifies as a vexatious litigant under any of the first three subsections listed in I.C.A.R. 59(d).<sup>3</sup> The court will analyze the applicability of those three subsections to the procedural record described above.

**I.C.A.R. 59(d)(1)**

Idaho Court Administrative Rule 59(d)(1) permits this court to find a person to be a vexatious litigant where that person has commenced or maintained three (3) *pro se* litigations within the past seven (7) years that have been finally determined adversely to that person. Ms. Cannon argues that this condition has been met as Mr. Van Hook has had adverse final decisions entered against him in the Canyon County Case CV-2014-7409-C, where Judge DeMeyer entered a Judgment and Decree of Divorce on September 9, 2015; in the civil protection order action brought as Adams County Case CV-2014-3311, which resulted in the imposition of a civil protection order in Ms. Cannon's favor; and in the proceeding brought as Canyon County Case CV-2016-5044-C, which Judge VanderVelde dismissed by order dated December 16, 2016.

Although each of these three litigations have without question been brought within the past seven (7) years there is some uncertainty that these three proceedings satisfy the criteria set out in I.C.A.R. 59(d)(1). First, when the motion for declaration of a vexatious litigant was filed, there was an appeal of Judge DeMeyer's rulings pending in Canyon County Case CV-2014-7409-C. Therefore, it is debatable whether there was an adverse ruling to Mr. Van Hook's claims at that time. That appeal has since been decided adversely to Mr. Van Hook. Even if it could be argued that the matter was not resolved at the time the motion was filed, this court is now satisfied that the appeal has been resolved adversely to Mr. Van Hook. Second, although it appears from the record before the court that Mr. Van Hook acted *pro se* during most of the

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<sup>3</sup> Ms. Cannon does not argue that such a finding can be made pursuant to I.C.A.R. 59(d)(4) and the court is not aware of any evidence in the record that would support such finding. The court declines to discuss the issue further.

proceedings conducted in Adams County Case CV-2014-3311, the court is not certain that that is the case at this time. As a result the court is unable to determine whether Mr. Van Hook prosecuted or maintained that action while acting entirely *pro se*, even if that action did ultimately result in a final determination that was adverse to him. Finally, although Judge VanderVelde dismissed the proceeding brought by Mr. Van Hook in Canyon County Case CV-2016-5044-C, he only decided that matter in part. Specifically, Judge VanderVelde dismissed the mandamus proceeding, but appears to have transferred the habeas proceeding brought in that matter to Adams County, where to the best of this court's knowledge it remains pending. As a result the court isn't sure that either of these two matters meet the requirements of I.C.A.R. 59(d)(1).

These three cases discussed by Ms. Cannon are not, however, the only litigations that Mr. Van Hook has commenced while acting *pro se*. As recited above, Mr. Van Hook filed three separate actions in Canyon County in 2014 (Canyon County Case Nos. CV-2014-6856-C, CV-2014-8801-C and CV-2014-11708-C), and one action in Owyhee County in 2015 (Owyhee County Case CV-2015-678-M). Each of those actions sought a civil protection order against Ms. Cannon, and each of those actions resulted in dismissal. As each of those actions was commenced within the last seven (7) years, and as each resulted in a final determination adverse to Mr. Van Hook the court has little difficulty concluding that these cases satisfy the requirements for a finding pursuant to I.C.A.R. 59(d)(1). The court, in an exercise of its discretion therefore concludes that there exists a basis to conclude that Mr. Van Hook is vexatious litigant pursuant to I.C.A.R. 59(d)(1).

**I.C.A.R. 59(d)(2)**

Idaho Court Administrative Rule 59(d)(2) permits a court to find a person to be a vexatious litigant where that person has, in effect, sought to repeatedly re-litigate a final determination made against them. Ms. Cannon argues that is what has occurred in Canyon County Case CV-2014-7409-C. Specifically, Ms. Cannon asserts that Mr. Van Hook, having failed to file a timely motion for reconsideration or appeal of the merits of the judgment that was entered against him by Judge DeMeyer on September 9, 2015, in Canyon County Case CV-2014-7409-C, has instead spent the last year and a half filing a series of meritless collateral proceedings targeting the validity of that judgment.

The court largely agrees with Ms. Cannon that most of what Mr. Van Hook has done over the past year or so can fairly be characterized as attempted collateral attacks on Judge DeMeyer's judgment. As mentioned previously, when the court conducted the initial hearing on February 14, 2017, an appeal was pending before Judge McKee that could conceivably have affected the finality of Judge DeMeyer's judgment. Judge McKee has since determined that the appeal brought by Mr. Van Hook was without merit and was frivolous. *See* Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed March 20, 2017, at \*6. In light of this decision the court agrees with Ms. Cannon that Mr. Van Hook's conduct in that case can properly be described as repeated attempts to re-litigate Judge DeMeyer's September 9, 2015 judgment.

The court also agrees with Ms. Cannon that in Canyon County Case CV-2016-5044-C Mr. Van Hook has sought to re-litigate Judge DeMeyer's September 9, 2015 judgment. In CV-2016-5044-C Mr. Van Hook sought a writ of mandate and/or a writ of habeas corpus that would essentially order Judge DeMeyer to grant the relief that Mr. Van Hook failed to obtain is the

custody proceeding. That matter was heard before Judge VanderVelde, who dismissed the mandamus action, concluding that no existing authority supported the issuance of the writ in the circumstances presented.<sup>4</sup> It is clear to this court from the record before it that the mandamus action was another attempt to collaterally attack the judgment entered by Judge DeMeyer in Canyon County Case CV-2014-7409-C. The court also agrees with Ms. Cannon that Canyon County Case CV-2016-11807-C, which names Judge DeMeyer as a defendant and which also seeks an order that would essentially direct Judge DeMeyer to disqualify or recuse himself, is yet another attempt by Mr. Van Hook to circumvent or re-litigate the merits of Judge DeMeyer's September 9, 2015 judgment.

Based on the foregoing, the court concludes that the record in these matters support a finding that Mr. Van Hook is a vexatious litigant pursuant to I.C.A.R. 59(d)(2).

**I.C.A.R. 59(d)(3)**

I.C.A.R. 59(d)(3) permits a court to make a vexatious litigant finding where a *pro se* litigant has “repeatedly file[d] unmeritorious motions, pleadings, or other papers, conduct[ed] unnecessary discovery, or engage[d] in other tactics that are frivolous or solely intended to cause unnecessary delay.” Ms. Cannon argues that Mr. Van Hook, while acting *pro se* in Canyon County Case CV-2014-7409-C, has engaged in several of the acts listed by the rule. The court largely agrees.

The record of that case supports a finding that Mr. Van Hook has “repeatedly file[d] unmeritorious motions, pleadings or other papers[.]” I.C.A.R. 59(d)(3). Although Mr. Van Hook was represented by counsel at various points during the litigation conducted in Canyon

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<sup>4</sup> As also recited elsewhere, Judge VanderVelde concluded that the habeas proceeding commenced by Mr. Van Hook in this action should be transferred to Adams County. That action (Adams County Case CV-2017-3664) remains pending to the best of this court's knowledge.

County Case CV-2014-7409-C, during periods that Mr. Van Hook has been acting *pro se* in the case, he has filed numerous unmeritorious motions.

For example, a short while after Mr. Van Hook's second attorney, Steven Fischer, withdrew from the case, Mr. Van Hook filed a motion seeking to disqualify Judge DeMeyer, a motion for appointment of a guardian ad litem, and a motion for an order requiring both he and Ms. Cannon to submit to polygraph examinations. On June 11, 2015, subsequent to a hearing, Judge DeMeyer concluded that each of those motions was entirely without merit. Then, after Mr. Van Hook's third attorney, Virginia Bond, withdrew from the case, Mr. Van Hook filed another motion to recuse Judge DeMeyer, which was found to be without merit in a written order filed April 26, 2016. Mr. Van Hook appealed that order and Judge McKee, sitting in an appellate capacity, concluded that the motion to recuse was frivolous, (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal September 18, 2016, at \*2), as was the appeal brought from the order denying that motion. (*Id.* at \*3) Mr. Van Hook then moved to reconsider Judge McKee's decision to award Ms. Cannon costs on appeal, which was denied, with the court noting specifically that "neither the Idaho Rules of Civil Procedure, Rules of Family Law Procedure, nor the Idaho Appellate Rules allow for a motion to reconsider an appellate decision." (Order Denying Motion to Reconsider, filed March 1, 2017 at \*2). Mr. Van Hook responded to the denial of his appeal by filing a series of additional motions before Judge DeMeyer, including another motion seeking to disqualify Judge DeMeyer and a motion for a finding of criminal contempt vis a vis Ms. Cannon. After a hearing, Judge DeMeyer dismissed the contempt proceeding and denied the remaining of Mr. Van Hook's motions, specifically finding that they were "frivolous, unreasonable and without foundation[.]" (Order Denying Various Motions, Granting One, and Ordering Attorney's Fees and Costs, filed December 14, 2016, at \*2). Judge

McKee has since affirmed Judge DeMeyer's decision, specifically finding that Mr. Van Hook's appeal of that decision was brought without foundation and was frivolous. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal September 18, 2016, at \*2). Based upon the foregoing record, the court concludes that Mr. Van Hook has "repeatedly file[d] unmeritorious motions, pleadings or other papers[,] as is required for a vexatious litigant finding pursuant to I.C.A.R. 59(d)(3).

Additionally, it is evident from the record before the court that by filing separate *pro se* actions in Canyon County Case CV-2016-5044-C and in Canyon County Case CV-2016-11807-C that Mr. Van Hook has "engage[d] in other tactics that are frivolous or solely intended to cause unnecessary delay." I.C.A.R. 59(d)(3). Those actions were, for the reasons discussed above, little more than attempted collateral attacks on the judgment entered in Canyon County Case CV-2014-7409-C. The court concludes that Mr. Van Hook's commencement and prosecution of those proceedings can properly be characterized as frivolous tactics for purposes I.C.A.R. 59(d)(3).

In light of the foregoing findings of fact, conclusions of law and analysis, the court, in an exercise of its discretion concludes that Ronald Van Hook is a vexatious litigant pursuant to I.C.A.R. 59(d)(3). The court will issue this order as a proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59.

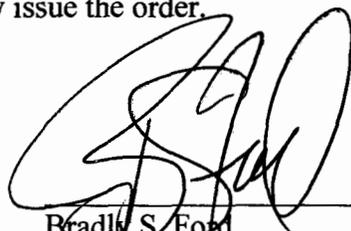
#### **Conclusion and Order**

The undersigned Administrative District Judge finds there is a basis to conclude that Ronald Van Hook is a vexatious litigant and that a prefiling order should be entered pursuant to I.C.A.R. 59(c), (d), and (e). This finding is based upon the findings of fact, conclusions of law and analysis set forth above in this order. The final order will include the following order "The

undersigned Administrative District Judge finds that Ronald Van Hook is a vexatious litigant as defined in I.C.A.R. 59. Ronald Van Hook is prohibited from filing any new litigation in the courts of this state prose without first obtaining leave of a judge of the court where the litigation is proposed to be filed.”

Ronald Van Hook shall have fourteen (14) days from the entry of this order to file a written response to the proposed findings of fact, conclusions of law and proposed order. If no response is filed within fourteen (14) days, or if the undersigned Administrative District Judge concludes following a response and any subsequent hearing that there is a basis for issuing the order, the undersigned Administrative Judge may issue the order.

DATED this 2nd day of June, 2017.



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Bradley S. Ford  
Administrative District Judge

## CERTIFICATE OF SERVICE

The undersigned certifies that on 8 June 2017 s/he served a true and correct copy of the original of the forgoing **ORDER** on the following individuals in the manner described upon:

- **Ronald Van Hook**  
204 N. Main  
Homedale, ID 83628

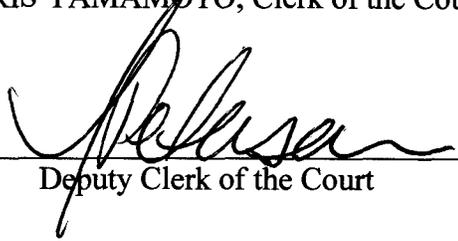
*Pro se*

- **Kimberli A. Stretch**  
Idaho Legal Aid Services, Inc.  
1305 3<sup>rd</sup> Street South  
Nampa, ID 83651

*Attorney for Dawn R. Cannon*

when s/he placed the same into the latter's respective "pick up" box at the Canyon County Clerk's office, Canyon County Courthouse, Caldwell, Idaho, or when s/he deposited the same in U.S. Mail.

CHRIS YAMAMOTO, Clerk of the Court

By:   
Deputy Clerk of the Court

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628  
(208) 982-0164

**F I L E D**  
A.M. 5/10 P.M.

JUN 09 2017

CANYON COUNTY CLERK  
*C. Miller* DEPUTY

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

In Re: Motion to Declare Ronald L. Van Hook a  
Vexatious Litigant

Case No. CV - 2017 - 3444

Jurisdictional Challenge

Response to Proposed Prefiling Order  
Declaring Vexatious Litigant Pursuant to  
Idaho Court Administrative Rule 59

Request for Judicial Notice of Cases with  
Same or Similar Subject Matter

Comes Now, Ronald Van Hook (Hereinafter also referred to as Me or I), Pro Se, NOT submitting to the jurisdiction of this court under my own free will, but rather under the threat of being declared a vexatious litigant, thereby being further deprived of my constitutional liberties.

Any response and/or pleading hereinafter and hereafter submitted is done and/or made contingent upon the court lawfully establishing its jurisdiction over Ronald Van Hook, a resident of Owyhee County, Idaho, now and since October of 2014. A copy of an affidavit from my

landlord, the owner of the property located at 204 N. Main St. in Homedale Idaho is attached, and a copy of the envelope that I received a copy of this Proposed Prefiling Order by regular US Mail is also attached hereto.

**Responding and Objecting to the Proposed Prefiling Order Declaring Vexatious Litigant.**

The Courts finding of facts is inaccurate and/or incomplete.

CV – 2012 – 6404 in Canyon County and CV – 2014 – 6865 in Canyon County has been unaddressed by this court. 6064 was filed by Ms.Cannon (f.k.a. Van Hook), yet these were the exact same issues Ms. Cannon filed in Adams County for in CV-2014-3311. 6865 was filed by Mr. Van Hook after Ms. Cannon had attempted to kill our 2 sons, herself and me. (6865 ran concurrent with the beginning of CV-2014-7409) This CPO was granted, yet Ms. Cannon could not be located to serve her after she had fled to Adams County, which was unknown to me at the time. The Court in 6865 dismissed the CPO for inadequate service, but very specifically said this case could be refiled once Ms. Cannon was located. After Ms. Cannon was located, CV-2014-8801 was filed in Canyon County (Again, after specifically being given permission to do so by the Court in CV-2014-6865) 6865 was presided over by Judge DeMeyer, while I was represented by Steven Fisher in CV-2014-7409 in Canyon County. Steven Fisher said he didn't need to represent me in this CPO because it had already been previously granted, that there was already permission to refile and that it was the exact same subject matter. After Judge DeMeyer dismissed my CPO in 8801, I informed Steven Fisher of the outcome. Mr. Fisher very

specifically told me it sounded like a violation of Due Process to him. I submit to this court that CV-2014-8801 was in no way vexatious as it was done with the blessing and specific permission from the Court in CV-2014-6865... Furthermore, that the Courts violation of Due Process in 8801 cannot be held to be my fault... Furthermore, that 8801 was an Ex-Parte motion that had no effect on Ms. Cannon at that time. Judge Demeyers reasoning for dismissal was that the petition did not claim any threats of domestic violence. I had typed all of the allegations on a separate document and had requested it be attached to the petition, which was denied by the court clerks office, who told me to give it to the judge in court. Judge Demeyer refused to accept this document. My ability to write by hand was hindered at the time as a result of still healing from a rattlesnake bite that inhibited the use of my right hand, arm and shoulder.

After the decision in CV-2014-3311 in Adams County, presided over by Judge Meienhoffer, a CPO was once again attempted in CV-2014-11708 in Canyon County. The Court in 3311 very specifically said that the courts order in 3311 had no effect on the children and that the courts order would only be in effect until a new order was issued in Canyon County. (I will also point out that Judge Meienhoffer, in 3311, issued an order that was contrary to the existing order in Canyon County CV-2014-7409, which gave me full custody of the children.) Judge Demeyer presided over 11708 and refused to hear the case. Prior to my filing of 11708, I insisted that Steven Fisher file the CPO, as he was my attorney at the time, but Mr. Fisher refused. I told Mr. Fisher that if he didn't, then I would on my own. I later discovered, while researching this case and compiling copies of all court docs, that Steven Fisher also refiled this CPIO, against my knowledge, in CV-2014-6865 (a case already dismissed) but never set that to a

hearing. I submit to this court that CV-2014-11708 was in no way vexatious as it was done with the blessing of the Court in CV-2014-3311 ... Furthermore, that the Courts violation of Due Process in 11708 cannot be held to be my fault... Furthermore, that 11708 was an Ex-Parte motion that had no effect on Ms. Cannon at that time.

After the decree of divorce was issued in CV-2014-7409, I filed CV – 2015 – 0678 in Owyhee County. This petition was filed listing issues that Judge Demeyer refused to hear in the trial of 7409, but that had been consolidated with Adams County 3311, had already been decided in 7409 when I had originally been given full custody of the children in the legal separation, and were issues that were in the CPOs of 8801 and 11708. The issues were Ms. Cannon causing harm to the children, trying to kill them, residing with a convicted sex offender (and now evidence exists that she also resides with an admitted drug abuser) Ultimately, 0678 was dismissed without a hearing, even though every single allegation was supported by affidavit. I submit to this court that CV-2015-0678 was in no way vexatious as it was submitted properly to the court with good cause and in good faith ... Furthermore, that the Courts violation of Due Process in 0678 cannot be held to be my fault... Furthermore, that 0678 was an Ex-Parte motion that had no effect on Ms. Cannon at that time... Furthermore, it was immediately after the dismissal in 0678 that I retained attorney Virginia Bond, and after telling her how the cases had gone she had specifically said “You got f\*\*\*\*d, now we have to get you unf\*\*\*\*d.”, which I swore by affidavit in Ms. Bonds motion to take leave from the case, and was not objected to or argued against by either Virginia Bond or Kimberli Streth, and that Kimberli Stretch stated she didn't care what was in the affidavit or my arguments, it wouldn't change her mind about

whether or not Ms. Bond took leave from the case.

I request every single judge, who has had any participation, in any hearing, at any time, in any case pertaining to the subject matter, be listed by their full legal name and the case they presided over. For Example: In item 1 of finding of facts it lists Judge Demeyer as being the judge who granted the request for service by publication... and that is not accurate. In items 26 and 27 it lists "the Honorable Christopher S. Nye" presiding over Adams County CV-2017-3664 and then "District Judge Chris Nye" presiding over CV-2016-11807 in Canyon County, and this is the same Judge presiding over 2 different cases with the same subject matter, in 2 different jurisdictions.

Judge DeMeyers first appearance in CV-2014-7409 was when I was a Resident of Owyhee County... Absent of Jurisdiction over any of the parties, and absent of subject matter Jurisdiction after violations of Due Process in 8801 and 11708.

I request that the court review its finding of facts as it appears to me it has not adequately listed the facts completely and accurately. I provided exhibits to the court that I believe fully demonstrate that my assertions (made in the Habeas Corpus in Adams County 2017-3664 and made in both appeals to the District Court in 2014-7409) are 100% accurate. I also believe that after the courts review of this case in its entirety, and all associated cases with the same or similar subject matter, that Ms. Cannon and her attorney Kimberly Stretch of Idaho Legal Aid are the epitome of a vexatious litigant.

I request Judicial Notice be taken of all cases pertaining to similar subject matter

CV – 2012 – 6404 in Canyon County  
CV – 2014 – 6865 in Canyon County  
CV – 2014 – 7409 in Canyon County  
CV – 2014 – 3311 in Adams County  
CV – 2014 – 8801 in Canyon County  
CV – 2014 – 11708 in Canyon County  
CV – 2014 – 7409 in Canyon County  
CV – 2015 – 0678 in Owyhee County  
CV – 2016 – 5044 in Canyon County  
CV – 2017 – 3664 in Adams County  
CV – 2016 – 11807 in Canyon County

I request this matter be set to hearing. As that hearing is a matter of this courts discretion, should a hearing be denied, I demand, without reservation, my right to have this heard on appeal by the Idaho Supreme Court.

Respectfully Submitted,



Ronald Van Hook

NOTICE OF HEARING

TO:

Amberly Stretch Dawn Cameron

TAKE NOTICE:

a HEARING on

Judicial Challenge

Response

Request Judicial Notice

has been set before the Honorable Judge

Ford

of the

3rd

Judicial District,

Canyon

County, State of

Idaho

at the Court House located at

1115 Albany

Caldwell ID

On (date)

July 17, 2017

at (time)

10

am

pm

or as soon thereafter as the Court can reasonably hear this matter.

Signature

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2017,

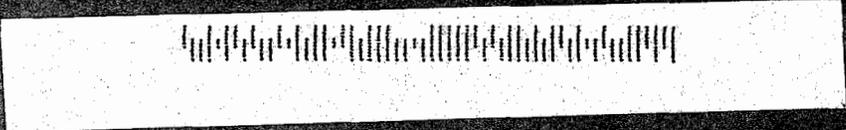
I caused a true and correct copy of the foregoing to be served on the following person(s) in the manner indicated as follows:

By U.S. Mail to:

Kimberli A. Stretch  
Idaho Legal Aid Services, Inc.  
1305 3rd Street South  
Nampa, ID, 83651  
(208) 475 - 5722  
(208) 475 - 5710 fax  
kimberlistretch@idaholegalaid.org

- U.S. Mail
- Overnight Mail
- Fax
- E-Mail
- Hand Delivered

  
\_\_\_\_\_  
Signature



118800  
US POSTAGE

THIRD JUDICIAL DISTRICT OF IDAHO  
DISTRICT COURT  
1115 ALBANY ST.  
CALDWELL, IDAHO 83605

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628

Affidavit

06-05-2017

YO VALENTIN AGUILERA DANDIEBO

AFIRMO QUE LO SIGUIENTE

QUE ESCRIBO ES LA VERDAD.

EL CIUDADANO RONALD VANHOOK

A ESTADO RENTANDO MI CASA

EN LA DIRECCION HUBICAZA EN

EL N 204 N, MAIN ST HOMERALE

ID.

MR. VANHOOK ME PAGA MENSUA-

LMENTE LA CANTIDAD DE \$ 500.00

DOLARES, QUINIENTOS Y CERO CENTAVOS.

DESDE EL AÑO 2014, 2015, 2016

HASTA LA FECHA DE HOY 2017.

AQUI SIGO VIVIENDO AGOSTO

CONTINUAMENTE Y CORRECTAMENTE.

EN PAZ.

ATTE: Valentin Dandiebo

State of Idaho }  
County of Canyon } ss.

Subscribed and sworn to (or affirmed) before me this  
5<sup>th</sup> day of June, 2017.

[Signature]  
Notary Public

My Commission Expires on July 14, 2021



JUN 23 2017

CANYON COUNTY CLERK  
*Alme* DEPUTY

**KIMBERLI A. STRETCH**  
**IDAHO LEGAL AID SERVICES, INC.**  
1305 3rd Street South  
Nampa, ID 83651  
(208) 475-5722  
(208) 475-5710 fax  
ISBN 8617  
kimberlistretch@idaholegalaid.org

Attorney for Dawn R. Cannon, *Pro Bono*

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

IN RE: MOTION TO DECLARE RONALD  
L. VAN HOOK A VEXATIOUS  
LITIGANT

Case No. CV-2017-3444-C

**REQUEST TO VACATE AND RESET  
HEARING**

COMES NOW DAWN R. CANNON (hereinafter "Dawn"), by and through her attorney of record, Kimberli A. Stretch, of Idaho Legal Aid Services, Inc. and hereby requests that this Court vacate and reset the hearing on Van Hook's Response to this Court's Proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59, currently set for July 17, 2017, at 10:00 a.m. in front of the Honorable Judge Bradley S. Ford. Van Hook did not consult with Dawn's attorney of record when he set the hearing, or he would have learned that she is not available for any hearings from July 10, 2017 through July 21, 2017. Dawn requests that this hearing be

REQUEST TO VACATE AND RESET HEARING

**ORIGINAL** 1

vacated and reset for a date after July 21, 2017.

**DATED** this 23rd day of June 2017.

**By: IDAHO LEGAL AID SERVICES, INC.**



**KIMBERLI A. STRETCH**  
Attorney for Dawn Cannon

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of June 2017, I caused a true and correct copy of the foregoing REQUEST TO VACATE AND RESET HEARING to be served on those listed below in the manner indicated.

**RONALD VAN HOOK**  
204 N. Main  
Homedale, ID 83628  
(208) 982-9164

- U.S. Mail
- Overnight Mail
- Fax
- Hand Delivery

**By: IDAHO LEGAL AID SERVICES, INC.**



**KIMBERLI A. STRETCH**  
Attorney for Dawn Cannon  
ISBN 8617

JUN 30 2017

CANYON COUNTY CLERK  
T. PETERSON, DEPUTY

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

**IN RE: MOTION TO DECLARE  
RONALD L. VAN HOOK A VEXATIOUS  
LITIGANT**

)  
) **CASE NO. CV-2017-3444-C**  
)

) **ORDER VACATING HEARING AND**  
) **ORDER TO SUBMIT AVAILABLE**  
) **DATES**  
)  
)

THIS MATTER is currently scheduled for hearing July 17, 2017 on Ronald Van Hook's Jurisdictional Challenge filed herein June 9, 2017. As stated in the Court's Proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59, the scheduling of a hearing on any party's response to the Proposed Prefiling Order shall be at the Court's discretion. Mr. VanHook sought a hearing date on his Jurisdictional Challenge when he brought it in to the clerk's office for filing. The clerk's office contacted the court's judicial assistant who provided the next available hearing date to the clerk because she was unable to confer with the Judge about the request. Because of the Court's schedule and required attendance at various judicial/administrative conferences, the Court's calendar does not allow sufficient time to properly consider this matter at a hearing on July 17, 2017. It has also come to the Court's attention that the opposing attorney is not available for the July 17 hearing.

THEREFORE, IT IS HEREBY ORDERED that said hearing is hereby VACATED.

IT IS FURTHER ORDERED that all interested parties and counsel are hereby directed to submit available dates to the Court within fourteen (14) days from the date of filing this Order. These available dates should allow for a one-half day hearing on this matter. Upon receipt of all parties' available dates, the Court will review this matter, reset the hearing and send notice to all parties.

Dated: June 29, 2017.

  
Bradly S. Ford  
District Judge

**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29 day of June, 2017, I caused to be served a true and correct copy of the foregoing **ORDER VACATING HEARING AND ORDER TO SUBMIT AVAILABLE DATES** by the method indicated below, and addressed to the following persons:

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Kimberli A. Stretch  
IDAHO LEGAL AID SERVICES INC  
1305 3rd Street South  
Nampa, ID 83651

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By:   
Deputy Clerk

JUL 07 2017

CANYON COUNTY CLERK  
A YOUNG, DEPUTY

**KIMBERLI A. STRETCH**  
**IDAHO LEGAL AID SERVICES, INC.**  
1305 3rd Street South  
Nampa, ID 83651  
(208) 475-5722  
(208) 475-5710 fax  
ISBN 8617  
kimberlistretch@idaholegalaid.org

Attorney for Dawn R. Cannon, *Pro Bono*

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

IN Re: MOTION TO DECLARE RONALD  
L. VAN HOOK, A VEXATIOUS  
LITIGANT,

Case No. CV-2017-3444-C

**NOTICE OF UNAVAILABLE  
DATES FOR HEARING**

**COMES NOW** Kimberli A. Stretch, of Idaho Legal Aid Services, Inc., attorney of record for DAWN R. CANNON, and hereby notifies the Court that she is unavailable on the following dates for hearing on Ronald L. Van Hook's Response to: Notice Regarding Service of Motion RE Vexatious Litigation and Request for Hearing:

- July 10-14, 17-21, 24-27, 2017
- August 14, 29, 30, 2017
- September 11-15, 29, 2017
- October 9, 2017

**DATED** this 7th day of July 2017.

**ORIGINAL**

By: IDAHO LEGAL AID SERVICES, INC.



KIMBERLI A. STRETCH  
Attorney for Dawn R. Cannon

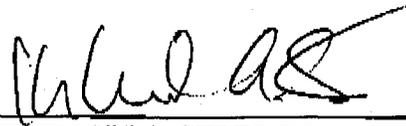
**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of July 2017, I caused a true and correct copy of the foregoing NOTICE OF UNAVAILABLE DATES FOR HEARING to be served on those listed below in the manner indicated.

**RONALD VAN HOOK**  
204 N. Main  
Homedale, ID 83628  
(208) 982-0164

- U.S. Mail
- Overnight Mail
- Fax
- Hand Delivery

By: IDAHO LEGAL AID SERVICES, INC.



KIMBERLI A. STRETCH  
Attorney for Dawn R. Cannon

JUL 10 2017

CANYON COUNTY CLERK  
S SWANSON, DEPUTY CLERK

Ronald Vanhook  
Full Name of Party Filing Document

204 N. Main  
Mailing Address (Street or Post Office Box)

Honolulu HI 96828  
City, State and Zip Code

208 982-0164  
Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE 3rd JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Canyon

In RE: Motion to

~~Plaintiff,~~

vs.  
Declarer Ronald L. Vanhook

~~Defendant.~~

d Veratour, litigant

Case No. 2017-3444

MOTION → Response to  
Order Vacating Hearing  
and Order to Submit  
Available dates

The  Plaintiff  Defendant requests the court (write what you want the judge to order and the reason for your request)

Ronald Vanhook responds to the  
Court's order to Submit Available Dates.

I will be Available at the Court's earliest  
convenience, provided I am given a minimum of  
2 weeks' notice

Original submission Rejected by Clerk's office,  
a copy of which is attached hereto as  
Exhibit A

Date: 7-10-17

[Signature]  
Signature

Ronald Van Hook  
204 N. Main  
Hemedele 20 83628  
(208) 982-0164

Exhibit A

In the District Court of the  
3<sup>rd</sup> Judicial District of the State  
of Idaho, In and for the County of Canyon

In RE: Motions to  
Declare Ronald L.  
Van Hook a Vexatious  
Litigant

CW-2017-3444-C  
Response to  
order Vacating Hearing and  
Order to Submit Available  
Dates

Ronald Van Hook Responds to the Courts  
Order to Submit Available Dates.

It will be Available at the Courts  
earliest Convenience, provided I am  
given a minimum of 2 weeks Notice.

7-10-17

Respectfully Submitted,



CERTIFICATE OF SERVICE

I certify that on (date) 7-10-17 I served a copy to: (name all parties in the case other than yourself)

Kimberli A. stretch

(Name) Idaho legal Aid

1305 3rd St. South  
(Street or Post Office Address)

Nampa ID 83657  
(City, State, and Zip Code)

By United States mail

By personal delivery

By fax (number) (208) 475-5710

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street or Post Office Address)

\_\_\_\_\_  
(City, State, and Zip Code)

By United States mail

By personal delivery

By fax (number) \_\_\_\_\_

Ronald Van Hook

Typed/printed name



Signature

**FILED**  
8:50 A.M. P.M.

**JUL 19 2017**

**CANYON COUNTY CLERK  
T. CRAWFORD, DEPUTY**

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

**IN RE: MOTION TO DECLARE  
RONALD L. VAN HOOK A VEXATIOUS  
LITIGANT**

)  
) **CASE NO. CV-2017-3444-C**  
)

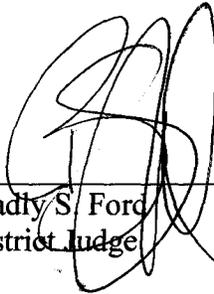
) **ORDER SCHEDULING HEARING**  
)  
)  
)  
)

IT IS HEREBY ORDERED that the above entitled matter is scheduled for hearing on Ronald VanHook's Jurisdictional Challenge filed June 9, 2017 to the Court's Proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59. Said hearing will be held on **THURSDAY, AUGUST 31, 2017, at 9:00 A.M.** before the Honorable Bradly S. Ford, District Judge, at the Canyon County Courthouse, Caldwell, Idaho.

**TIME ALLOTTED: 3 ½ HOURS**

Dated: July 19<sup>th</sup>, 2017.

\_\_\_\_\_  
Bradly S. Ford  
District Judge



**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19 day of July, 2017, I caused to be served a true and correct copy of the foregoing **ORDER SCHEDULING HEARING** by the method indicated below, and addressed to the following persons:

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Kimberli A. Stretch  
IDAHO LEGAL AID SERVICES INC  
1305 3rd Street South  
Nampa, ID 83651

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By: TC  
Deputy Clerk



Mr. Vanhook advised that he would not be hiring counsel and presented argument.

The Court noted that the proposed pre-filing order was entered June 2, 2017.

Mr. Vanhook made responding statements and continued to present arguments regarding jurisdiction of the court.

The Court advised that it had authority under Idaho Administrative Rule 59 to determine if a party was a vexatious litigant, advised that Mr. Vanhook could refer to decisions in the pre-filing order and noted that the file had been delivered to this Court without proper referral, then had been referred again properly. Further, the Court noted that it had entered a vexatious litigant order, reviewed Idaho Administrative Rule 59 and noted that this Court had jurisdiction over this matter.

Mr. Vanhook presented argument and inquired regarding the matter being either a civil or criminal matter.

The Court noted that it had been ordered opened as a civil matter.

Mr. Vanhook presented argument regarding his right to have a jury trial, reviewed the number of cases filed in Canyon, Adams and Owyhee counties and advised that he had paperwork to submit.

The Court advised that Mr. Vanhook could submit said paperwork as an exhibit and advised that it would have the marshal make a copy.

Mr. Vanhook continued to present argument and reviewed the facts of the previous cases filed.

The Court noted that it was not acting as an appellate court, but as administrative court pursuant to Idaho Administrative Rule 59.

Mr. Vanhook made responding statements and continued to present arguments regarding the facts of the underlying case, such as civil protection orders.

The Court noted that as administrative judge, it had a responsibility to determine administrative duties, such as vexatious litigant issues and reviewed different responsibilities.

Mr. Vanhook made responding statements, continued to present argument regarding illegal orders, being declared a vexatious litigant and reviewed issues with his previous attorneys.

The Court inquired regarding addressing all cases in its prefiling order and noted that it would not address filings after the order date.

In answer to the Court's inquiry, Mr. Vanhook advised that CV-16-11807, a civil complaint for damages in Canyon County, was no longer pending, as well as CV-17-3664 in Adams County, a Habeas Corpus action, was completed as well, which had been heard by Judge Nye.

The Court noted that it wanted to make sure it addressed all cases.

Mr. Vanhook made responding statements regarding cases presided over by Judge Nye, presented argument regarding Judge Nye handing the same subject matter in both cases and reviewed the transfer of venue to Adams County by Judge Vanderveide.

The Court inquired regarding supporting authority that a judge could not preside over the same subject matter in different districts.

In answer to the Court's inquiry, Mr. Vanhook advised that he believed it was a bias and presented argument regarding his rights pursuant to the state and county's constitution.

The Court noted that it needed to address all cases and determined there were no other case numbers.

Mr. Vanhook advised that he wished to respond to the statement of facts.

The Court reviewed timeframes for arguments.

Mr. Vanhook presented argument regarding the statement of facts and reviewed damages.

The Court reviewed the role as a judge in this matter, reviewed judicial canons and noted that the defendant had the right to appeal all matters.

Mr. Vanhook made responding statements regarding the number of jurisdictions.

The Court reviewed its role that was limited under Idaho Administrative Rule 59, noted that it was not an appellate court in this matter and advised that it was only

determining if Mr. Vanhook was a vexatious litigant. Further, the Court expressed opinions regarding not having great leeway to explore other judges' decisions.

Mr. Vanhook made responding statements regarding appealing all cases, reviewed errors made in the matters and reviewed the number of cases that would be appealed. Further, Mr. Vanhook reviewed the underlying facts in the matters.

Ms. Stretch reviewed the two (2) cases first mentioned by Mr. Vanhook, advised that that the Habeas Corpus case had been dismissed, advised that she had filed a motion for attorney's fees, there had been no objection filed and advised that it was set for hearing. Further, Ms. Stretch advised that the case involving civil damages had been filed against six (6) parties, advised that five (5) parties had been dismissed and advised that one (1) party, Dawn Cannon, was still pending.

The Court reviewed the case numbers mentioned (CV-16-11807 was the civil complaint for damages and CV-17-3664 was the Habeas Corpus case).

Ms. Stretch reviewed the proposed pre-filing order, presented argument regarding the challenge to jurisdiction and advised that Mr. Vanhook had subjected himself to jurisdiction due to filing the cases in Canyon County. Ms. Stretch presented statements regarding augmentation of the cases, reviewed the civil protection orders filed, reviewed the different prongs for finding Mr. Vanhook a vexatious litigant and requested the Court declare Mr. Vanhook a vexatious litigant.

Mr. Vanhook presented further argument in objection to being declared a vexatious litigant and argued that he had never subjected himself to jurisdiction.

The Court reviewed the findings regarding being declared a vexatious litigant.

Mr. Vanhook continued to present argument regarding previous hearings in Canyon County, reviewed previous requests for a guardian ad litem and presented comments regarding his belief treason had occurred.

The Court expressed opinions regarding setting the hearing on this date and noted that it was allowing the parties an opportunity to present argument.

Mr. Vanhook made responding statements regarding being passionate about his cases and his children.

The Court reviewed relevant procedural history in this matter, such as the previous hearing in February, 2017, noted that it had referred the matter back to the magistrate judge to refer the defendant to be a vexatious litigant, which had caused a delay in the order being prepared and noted that it allowed objections to be heard on this date when a hearing was not required. Further, the Court advised that it would hear the arguments and then would make a final determination.

Mr. Vanhook inquired how long it would take for an order to be completed.

The Court reviewed scheduling issues and conflicts and advised that it would attempt to have the order issued within one (1) month.

Mr. Vanhook made responding statements regarding a Supreme Court appeal pending and reviewed his briefing schedule.

The Court reviewed scheduling issues and expressed opinions regarding this matter being relevant to the Supreme Court appeal.

Mr. Vanhook advised that he intended to include information in this matter with his Supreme Court appeal and reviewed the previous statement of facts.

The Court advised that it would make its decision in this matter and review the information presented. Further, the Court examined Mr. Vanhook and determined he wished to mark the Order to Augment the Record as Defendant's Exhibit A.

Ms. Stretch advised that she had no objection.

The Court ordered Exhibit A marked and admitted and adjourned at 10:24 a.m.

-----  
  
Deputy Clerk



SEP 20 2017

CANYON COUNTY CLERK  
T. PETERSON, DEPUTY

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

IN RE: MOTION TO DECLARE  
RONALD L. VAN HOOK A VEXATIOUS  
LITIGANT

CASE NO. CV-2017-3444-C

RONALD L. VAN HOOK,  
  
A vexatious litigant.

PREFILING ORDER DECLARING  
VEXATIOUS LITIGANT PURSUANT TO  
IDAHO COURT ADMINISTRATIVE  
RULE 59

This matter is before the court on a motion pursuant to Idaho Court Administrative Rule (“I.C.A.R.”) 59(d), requesting the undersigned Administrative District Judge of the Third Judicial District to determine whether Ronald L. Van Hook (hereafter “Van Hook”) is a vexatious litigant as defined by that rule.

**Procedural History**

On January 27, 2015 an attorney representing Dawn Renee Cannon (hereafter “Cannon”) filed in *Ronald L. Van Hook v. Dawn Renee Cannon*, Canyon County Case CV-2014-7409-C, a motion captioned as a “Motion for Referral to Administrative Judge Re: Vexatious Litigation[,]” along with a supporting affidavit of counsel. The motion requests an evidentiary hearing and

PREFILING ORDER DECLARING VEXATIOUS LITIGANT PURSUANT TO IDAHO COURT  
ADMINISTRATIVE RULE 59 – Page 1 of 28

ORIGINAL

asks that the matter be referred to the undersigned Administrative District Judge (ADJ) for purposes of determining whether Van Hook should be declared a vexatious litigant pursuant to I.C.A.R. 59. Following the filing of the motion no initial written or oral record was made regarding the request for referral by the presiding magistrate judge, but the file in that matter was delivered to the undersigned ADJ for the consideration at the direction of the presiding magistrate judge and/or his staff. This was in essence an informal referral not reflected in the record.

On February 14, 2016 the undersigned ADJ conducted a preliminary status conference and hearing on the motion. Cannon was not present but was represented by Kimberli Stretch. Van Hook appeared *pro se*. After hearing the parties' arguments the court marked two exhibits submitted by Van Hook. The first, marked as Exhibit 1 purports to be a copy of a document filed in Adams County Case CV-2017-3664 while the second, marked as Exhibit 2, is a thumb drive that Van Hook represented to the court contained audio recordings of all hearings conducted, as well as PDF copies of all pleadings filed in the matter to date. The court informed Van Hook that it would consider the pleadings found in the file, and that it would review the audio recordings only if it found it to be necessary. Van Hook also noted during the hearing that he had only received Cannon's moving papers on February 9, 2017, apparently because mail delivery to his home address had been interrupted until then by weather conditions. Van Hook stated that he did not think that this had afforded him enough time to respond to the motion, but he declined the court's offer to consider continuing the hearing, or to otherwise permit him an opportunity to further prepare his response.

The court also informed the parties that if it preliminarily found that Van Hook was a vexatious litigant it would act in accordance with the procedure outlined at I.C.A.R. 59, which

the court understood to require the issuance of a prefiling order, an opportunity for Van Hook to file a response or objection to such an order, and potentially an additional hearing on Van Hook's objections. *See* I.C.A.R. 59(e). Neither party objected to the court's interpretation of that rule or to the proposed course of action that the court had outlined. After hearing the parties' arguments the court announced that it would take the matter under advisement.

Following the hearing, on February 28, 2017 Van Hook filed a pleading captioned as "Response to: Notice Regarding Service of Motion RE Vexatious Litigation [] Request for Hearing – Alternatively – Request for Respondents Voluntary Dismissal with advance notice to Plaintiff." The response includes as an exhibit a printout Van Hook suggests supports the assertion he made during the February 14, 2017 hearing regarding disruptions in regular mail service to his home address. The motion requests a hearing, apparently on the issue of whether those disruptions did or did not cause Van Hook to receive those materials on February 9, 2017 as he claims. The motion also, somewhat confusingly, appears to request that the court order Cannon to voluntarily dismiss her I.C.A.R. 59 motion. Cannon has not filed a response or objection to this filing.

After further review of the file and I.C.A.R. 59, the undersigned ADJ determined that no formal order referring the matter to the ADJ had been entered by the magistrate judge presiding over the case from which this motion had originated (Canyon County Case CV-2014-7409-C), or had otherwise been made a part of the record. The undersigned ADJ thereafter entered an order on March 31, 2017, wherein the court noted that it did not have authority to further address the issue as no formal referral had been made that complied with I.C.A.R. 59(c). On that same date the undersigned ADJ also entered an order directing that the vexatious litigant referral be addressed in a separate proceeding. The court also ordered that all filings and minutes in Canyon

County Case CV-2014-7409-C relating to the vexatious litigant motion be duplicated and placed in the file of the newly opened action, thereafter captioned as IN RE: MOTION TO DECLARE RONALD L. VAN HOOK A VEXATIOUS LITIGANT, Canyon County Case CV-2017-3444-C. This separate file was opened to provide a full record for appellate review outside of the context of the various other proceedings referred to in this order. All subsequent filings that relate to the vexatious litigant motion are to be (and have been) filed in the above titled proceeding.

After those orders had been entered a notice of hearing was filed on April 7, 2017, scheduling the matter back before the presiding magistrate, Judge Gary D. DeMeyer, for a hearing on April 27, 2017. Following that hearing Judge DeMeyer entered a written order referring the motion to this court.

On June 2, 2017 the court filed a proposed prefilng order. Mr. Van Hook filed a response and opposition to the proposed order on June 9, 2017, and a hearing on his objection was held by the court on August 31, 2017. The matter having been briefed and argued the court now finds and orders as follows.

### **Findings of Fact**

#### **Canyon County Case CV-2014-7409-C**

1. On July 15, 2014 when Van Hook filed a *pro se* complaint for custody visitation and/or support. On July 18, 2014 Van Hook filed an amended complaint that sought a decree of legal separation from his wife, Dawn R. Van Hook, nee Dawn Renee Cannon, and also sought custody of the parties' three minor children. Van Hook sought permission to serve notice of the proceeding by publication in Canyon County, where the Cannon's last known address was

located. On July 21, 2014 Magistrate Judge Gary D. DeMeyer granted the request and ordered that service would be accomplished by publication of such notice for four consecutive weeks.

2. On August 11, 2014, Van Hook, proceeding *pro se*, filed three self-styled motions to compel. First Van Hook filed a motion seeking to compel the Idaho Department of Health and Welfare to permit Van Hook to access any and all records in their possession that relate to the parties' three children. Second Van Hook filed a motion seeking an order to compel Cricket Wireless to produce materials responsive to a subpoena duces tecum that had previously been served, that sought the records for a cell phone that belonged to Cannon. Third, Van Hook filed a motion seeking to compel staff members of "Hopes Door," a women's shelter located in Caldwell, Idaho, to disclose the whereabouts of the parties' children. All three motions were scheduled for a hearing on August 28, 2014. On August 22, 2014 attorney Dena M. Jaramillo filed a notice of appearance on behalf of Van Hook. On August 28, 2014 Judge DeMeyer called the case, noted that both parties had failed to appear, and apparently denied the three motions. Van Hook thereafter retained a new attorney, Steven Fischer. On September 3, 2014 Attorney Fischer filed a notice of substitution of counsel, and on September 9, 2014 Van Hook, through counsel, filed a motion for entry of default and a separate motion for a writ of assistance. The motions were heard on September 11, 2014. Van Hook appeared and was represented by his attorney. Cannon failed to appear, and at the conclusion of the hearing Judge DeMeyer found for Van Hook and entered a decree of legal separation and custody as sought.

3. On October 24, 2014 Cannon, through her attorney Mary Grant of Idaho Legal Aid Services Inc., moved to set aside the order of default on the basis that she had never been personally served with notice of the action, and had been residing in Adams County when Van Hook had attempted service by publication. The matter was scheduled for a hearing on

November 13, 2014. On October 24, 2014 Cannon also filed a motion in limine that requested that Judge DeMeyer take judicial notice of a Report of Child Protection Investigation that had been prepared in connection with Adams County Case CV-2014-3311. The Adams County case apparently originated as an action brought by Cannon, who at the time was residing in Adams County. Cannon sought a civil protection order against Van Hook, who Cannon alleged had stalked her, made threats to her safety, and had engaged in physical, mental and emotional abuse. A temporary ex parte protection order was entered, and following a hearing at which the aforementioned report was considered, a civil protection order was entered for Cannon for a period of one (1) year.

4. On October 29, 2014 Judge DeMeyer granted Cannon's motion in limine and took judicial notice of the report, a copy of which was filed by Cannon on November 3, 2014. Among other things, the report notes that the parties' children had stated that they are scared of their father and that they wanted to remain with their mother. The report also indicates that Cannon had described Van Hook's behavior as controlling, and that he had struck Cannon on more than one occasion.

5. On November 13, 2014 Judge DeMeyer heard Cannon's motion to set aside default. Cannon was not present but was represented by her attorney. Van Hook was present and was represented by his attorney Steven Fischer. After hearing the parties' arguments the magistrate granted the motion, set aside the default judgment and set the matter for trial in August of 2015. On November 19, 2014 the magistrate also entered an order for mediation or for filing of a stipulated parenting agreement. On November 25, 2014 Cannon filed an answer that included a counterclaim seeking full custody over the parties' children. The parties were apparently unable to reach any sort of agreement regarding the parenting and/or temporary custody of their children

and on December 18, 2014 Judge DeMeyer appointed an assessor to conduct a brief focused assessment pursuant to Idaho Code § 32-1402(8) and Idaho Rule of Evidence 706.

6. On March 9, 2015 Van Hook's attorney moved for leave to withdraw, citing Van Hook's failure to fulfill his financial obligations and failure to follow his attorney's advice. Cannon filed a notice of non-objection to the motion on March 23, 2015.

7. On March 23, 2015 Cannon filed a motion for temporary orders regarding the custody of the parties' other two children, and for payment of child support. Also on March 23, 2015 Cannon filed a motion for an immediate and temporary ex parte restraining order that would prevent Van Hook from having any contact with "RLV," the oldest of the parties' three children. The affidavit filed in support of that motion states that Cannon had learned during the course of the court ordered brief focused assessment that RLV had disclosed to the court appointed assessor that one of Van Hook's friends had committed an actual or attempted sexual battery on her during a period of time when she was under the care and supervision of Van Hook. On March 25, 2015 Judge DeMeyer entered a temporary protection order prohibiting Van Hook from having any contact with RLV during the pendency of any child protection or criminal investigation into the allegations.

8. On April 2, 2015 Cannon filed a motion to consolidate Canyon County Case CV-2014-7409-C and Adams County Case CV-2014-3311. On April 3, 2015 Van Hook filed *pro se* objections to Cannon's motion for temporary orders of custody and support, and to the temporary restraining order entered by the magistrate on March 25, 2015.

9. On April 16, 2015 Judge DeMeyer held a hearing on the various pending motions. Van Hook was present, as was his attorney Steven Fischer. After hearing arguments the court granted

Attorney Fischer's motion for leave to withdraw, granted Cannon's motion for a temporary order of custody and visitation, but denied Cannon's request for child support. Judge DeMeyer declined to rule on Cannon's motion to consolidate at that time.

10. On April 27, 2015 Van Hook, acting *pro se*, filed a motion captioned as a request for a temporary ex parte restraining order and a separate motion seeking to disqualify Judge DeMeyer pursuant to Idaho Rule of Civil Procedure ("I.R.C.P.") 40(d)(1). The court conducted a hearing on the motions on May 7, 2015, at which point it was determined that Van Hook had yet to file a *pro se* appearance. The court directed Van Hook to file an appearance and refile his motions. Van Hook filed a notice of *pro se* appearance on May 22, 2015.

11. On May 18, 2015 Cannon filed a renewed motion to consolidate the Canyon and Adams county cases. Van Hook filed a notice of non-objection on May 22, 2015 and the magistrate entered a written order consolidating those matters on May 26, 2015. The Adams County case was transferred in as Canyon County Case CV-2015-3964-C.

12. On May 28, 2015 Van Hook, acting *pro se*, filed: (1) an objection to the ex parte restraining order entered by Judge DeMeyer on March 25, 2015; (2) a motion seeking to amend the order consolidating the Canyon and Adams county cases; (3) a motion to amend the temporary order of custody and visitation entered by Judge DeMeyer on April 16, 2015; (4) a motion to disqualify Judge DeMeyer pursuant to I.R.C.P. 40(d)(1); and (5) a notice of sanctions seeking an order finding Cannon to be in criminal contempt. Ms. Cannon filed responsive pleadings on June 4, 2015 and a hearing on the motions was held on June 11, 2015. At the conclusion of the hearing Judge DeMeyer orally denied each of Van Hook's motions.

13. Following the hearing Van Hook filed several other *pro se* motions. On July 6, 2015 Van Hook, without leave of the court, filed an amended complaint for legal separation, as well as a pretrial memorandum. On July 7, 2015 Van Hook filed a motion for the appointment of a guardian ad litem and the magistrate conducted a hearing on that motion on July 11, 2015. The motion was denied by oral order. Also, on July 16, 2015 Van Hook filed a motion that purports to request that the magistrate enter an order requiring both parties to undergo a polygraph examination. A hearing was held on that motion on July 20, 2015, after which it was denied by oral order as well.

14. On July 24, 2015 Cannon filed a notice of association of counsel indicating that attorney Kimberli A. Stretch of Idaho Legal Aid Services Inc. would thereafter represent Cannon.

15. On August 3, 2015 Judge DeMeyer conducted a bench trial. Van Hook appeared *pro se*. The court admitted into evidence the brief focused assessment report prepared by the court appointed assessor, as well as several other exhibits. The court also heard testimony from Van Hook, from Ms. Cannon and from five witnesses called by Van Hook. After both sides rested the court informed the parties that it would announce its findings at a hearing scheduled for August 27, 2015. On that date Judge DeMeyer granted Ms. Cannon sole legal custody of the parties' three children, with Van Hook awarded visitation on the second and fourth weekends of each month if the children wanted to attend those visits. Judge DeMeyer also stated that the custody order he was announcing would supersede the temporary *ex parte* restraining order regarding RLV that had previously been imposed. Cannon was also granted a decree of divorce, and Cannon's attorney was directed to prepare and submit a written order to that effect, which she did. On September 9, 2015 the court filed a written Judgment and Decree of Divorce.

16. On September 23, 2015 attorney Virginia Bond filed a notice of appearance on Van Hook's behalf. On that same date Van Hook, through counsel, filed a motion for a new trial pursuant to Idaho Rule of Family Law Procedure ("I.R.F.L.P.") 807(a), as well as a separate motion for reconsideration pursuant to I.R.F.L.P. 503(b). Cannon filed responsive pleadings on October 7, 2015. On December 24, 2015, before either motion could be called forth for a hearing Van Hook moved to withdraw them. On December 30, 2015 Van Hook filed a motion to change venue, and scheduled the matter for a hearing on January 28, 2016. Ms. Cannon filed an objection to the motion on January 22, 2016. The magistrate conducted a hearing on those motions, at which the parties represented to the court that they were attempting to reach an agreement that would potentially resolve the matter. The court continued the matter and declined to rule on it at that time. The parties were apparently unable to reach an agreement.

17. On March 8, 2016 Van Hook's attorney filed a motion to withdraw. The affidavits submitted in support of the motion indicate that Van Hook had stated that he no longer trusted his attorney because he believed that Attorney Bond was and had been "protecting" Judge DeMeyer. On that date Cannon's attorney also filed a notice of non-objection to Attorney Bond's request for leave to withdraw. Judge DeMeyer also filed a written order denying Van Hook's motion to change venue on that date. On March 17, 2016 the court filed a written order granting Ms. Bond's request for leave to withdraw.

18. On April 4, 2016 Van Hook, proceeding *pro se*, filed a motion to recuse Judge DeMeyer for cause, along with a supporting affidavit. The motion asserts that "Judge DeMeyer has had improper discussions with parties or counsel for one side in a case; treated [Van Hook] in a demonstrably egregious and hostile manner; violated other specific mandatory standards of judicial conduct, such as judicial rules of procedure or evidence[.]" (Motion to Recuse Judge

With Cause, filed April 1, 2016) Cannon filed an objection to the motion on April 12, 2016. The court held a hearing on the motion on April 21, 2016. After the parties had presented argument the court orally denied Van Hook's motion and awarded Cannon costs and attorney's fees incurred in relation to that motion. A written order to that effect was filed on April 26, 2016. On June 1, 2016 Van Hook filed a notice of appeal of that decision. The appeal was assigned to Senior District Judge D. Duff McKee, and the matter was briefed. Oral argument on Van Hook's appeal was heard on October 11, 2016. After hearing argument the court affirmed the magistrate's denial of the Van Hook's motion to recuse, and the magistrate's award of attorney's fees incurred in connection with that motion. Judge McKee also found based on the record before him that the award of attorney's fees was based on the fact that the motion to recuse was frivolous. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed September 18, 2016, at \*2) The order also awards Cannon her costs and attorney's fees on appeal, expressly finding that appeal was without foundation and was therefore frivolous. (*Id.* at \*3)<sup>1</sup>

19. On October 20, 2016 Van Hook, proceeding *pro se*, filed a series of new motions before Judge DeMeyer. Those include: (1) a motion for order finding Cannon to be in criminal contempt, along with a notice of sanctions and a notice of arraignment on the alleged contempt; and (2) a motion to change venue and/or new orders regarding custody. The motions were scheduled for a hearing on November 3, 2016. The Honorable Howard Smyser filled in for Judge DeMeyer who was temporarily unavailable on the date of the hearing. Judge Smyser permitted Attorney Stretch to enter a plea of not guilty to the charged criminal contempt on

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<sup>1</sup> Cannon's attorney filed a memorandum of costs on October 21, 2016 and an order granting an award of attorney's fees in the amount sought (\$10,530.00) was filed on December 21, 2016. Van Hook filed a motion to reconsider that award on January 30, 2017, which was denied by written order dated March 1, 2017.

behalf of her client, but otherwise indicated that he had not been able to get a handle on the lengthy and voluminous proceedings in the matter. Judge Smyser indicated to the parties that he was not prepared to rule on any of Van Hook's motions, which would instead need to be reset before Judge DeMeyer.

20. On November 7, 2016 Van Hook filed another motion seeking to disqualify Judge DeMeyer, along with a supporting affidavit. Also on November 7, 2016 Van Hook filed a motion apparently seeking reconsideration of Judge Smyser's decision to continue the hearing and defer ruling on Van Hook's motion to change venue and/or for a new order of custody, along with a supporting affidavit. On November 8, 2016 Cannon filed a motion to dismiss the charge of criminal contempt against her. Judge DeMeyer heard arguments on all of the motions pending before him on December 8, 2016 and after hearing the parties' arguments the court denied all of Van Hook's motions. The court further found that the motions Van Hook had filed were frivolous and without foundation, and awarded Cannon costs and attorney's fees on that basis.<sup>2</sup> A written order memorializing those findings was filed on December 14, 2016.

21. On December 15, 2016 Van Hook filed a notice of appeal of the ruling announced by Judge DeMeyer on December 8, 2016. The appeal was assigned, again, to Judge McKee who, by written order dated March 20, 2017, affirmed the magistrate's denial of Van Hook's motion to disqualify Judge DeMeyer, and dismissed Van Hook's remaining arguments on appeal as waived. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed March 20, 2017, at \*6) Judge McKee further found that the appeal had been brought without

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<sup>2</sup> Cannon's attorney filed a memorandum of costs on December 28, 2016 and an order granting an award of attorney's fees and costs in the amount sought (\$2,180.20) was filed on January 24, 2017.

foundation and is therefore frivolous.” (*Id.*) Van Hook thereafter filed a notice of appeal to the Idaho Supreme Court, and that appeal remains pending.

#### **Other Proceedings Initiated by Van Hook**

22. In addition to the proceedings described above the Defendant has commenced several other proceedings concerning Cannon and/or the parties’ three minor children. On June 30, 2014 Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook*, Canyon County Case CV-2014-6865-C, an action seeking a civil protection order against Cannon. Though a temporary civil protection order was entered by magistrate Judge Kline, and was extended more than once to permit Van Hook to attempt service of notice of this action by publication, the action was ultimately dismissed by order dated August 18, 2014.

23. On August 25, 2014 Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook*, Canyon County Case CV-2014-8801-C, another action seeking a civil protection order against Cannon. The matter was dismissed by order dated August 25, 2014.

24. On November 14, 2014 Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook*, Canyon County Case CV-2014-11708-C, another action that sought a civil protection order against Cannon. The matter was dismissed by order entered the same day it was filed.

25. On September 11, 2015 Van Hook, acting *pro se*, commenced *Ronald Van Hook vs. Dawn R Van Hook, et al.*, Owyhee County Case CV-2015-678-M, an action seeking a temporary ex parte restraining order, apparently concerning the safety of the parties’ minor children. The motion was assigned to Magistrate Judge Dan Grober, who denied it that same day.

26. On May 27, 2016 Van Hook, acting *pro se*, commenced *Ronald Van Hook v. Dawn R. Cannon (f/k/a Van Hook)*, Canyon County Case CV-2016-5044-C, an action that purportedly seeks writs of habeas corpus and/or mandamus, and requests that Cannon be ordered to deliver the parties' children to the custody of Van Hook. The matter was assigned to the Honorable Davis F. VanderVelde who conducted a hearing on December 1, 2016 on Van Hook's motions for writs of habeas corpus and mandamus. By written order dated December 16, 2016 Judge VanderVelde dismissed the petition for writ of mandamus but granted a motion by Van Hook to change the venue for the action seeking a writ of habeas corpus to Adams County. No notice of appeal has been filed in this matter by either party.

27. On January 1, 2017 Van Hook commenced that action in Adams County, in a matter captioned as *In The Matter Of The Application For A Writ Of Habeas Corpus On Behalf Of Ronald Lynn Van Hook*, Adams County Case CV-2017-3664. The matter was assigned to the Honorable Christopher S. Nye. By memorandum decision and order dated June 15, 2017 Judge Nye dismissed the petition for writ of habeas corpus and on June 21, 2017 judgment was entered for the respondent, Dawn Cannon. No notice of appeal from this decision has been filed in this matter either.

28. On December 1, 2016 Van Hook, acting *pro se*, commenced *Ronald Van Hook v. Dawn R. Cannon (f/k/a Van Hook), Gary DeMeyer, Kimberli Stretch, Mary Grant, Steven Fischer and Virginia Bond*, Canyon County Case CV-2016-11807-C, an action that seeks \$35,000,000 in civil damages against all named defendants, as well as a writ of mandamus that would essentially order Judge DeMeyer to grant Van Hook's request to change venue. The case was assigned to Judge Nye. Judge Nye has conducted several hearing in the matter. The only claims that remain pending in this matter are claims against Cannon. Van Hook's claims against the remaining

defendants have been dismissed by orders dated March 9, 2017, May 26, 2017, June 23, 2017 and July 26, 2017. Van Hook has not filed a notice of appeal of any of those orders.

### Conclusions of Law

Proceedings governing vexatious litigants are governed by I.C.A.R. 59. As stated previously, this matter is properly before the court on a reference made by Judge DeMeyer. *See* I.C.A.R. 59(c) (“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.”) I.C.A.R. 59 further states that:

[a]n administrative judge may find a person to be a vexatious litigant based on a finding that a person has done any of the following:

(1) In the immediately preceding seven-year period the person has commenced, prosecuted or maintained pro se at least three litigations, other than in the small claims department of the magistrate division, that have been finally determined adversely to that person.

(2) After a litigation has been finally determined against the person, the person has repeatedly relitigated or attempted to relitigate, pro se, either

(A) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or

(B) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

(3) In any litigation while acting pro se, 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.

(4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding.

I.C.A.R. 59(d). An administrative judge’s findings regarding whether a particular litigant is or is not a vexatious litigant is a matter that is within that judge’s discretion. *Telford v. Nye*, 154

Idaho 606, 611, 301 P. 3d 264, 269 (Idaho 2013) (“Rule 59 uses discretionary language:. . . Therefore, we hold that an abuse of discretion standard applies on review.”).

If this court is satisfied that one or more of those criteria are present, the court is empowered to “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.” I.C.A.R. 59(c). Additionally, I.C.A.R. 59 provides a set of specific steps that must be followed if the court:

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. If a response is filed, the administrative district judge may, in his or her discretion, grant a hearing on the proposed order. If no response is filed within fourteen (14) days, or if the administrative district judge concludes following a response and any subsequent hearing that there is a basis for issuing the order, the administrative district judge may issue the prefiling order.

I.C.A.R. 59(e). Cannon argues that Van Hook, by his actions, qualifies as a vexatious litigant under any or all of the first three subsections listed in I.C.A.R. 59(d).<sup>3</sup> Van Hook’s written objections and the arguments he presented at the hearings conducted by this court primarily address the first of these three subsections. The court addresses each subsection below.

Before considering the merits of these arguments, however, the court must briefly address an argument raised by Van Hook in his objection to the proposed prefiling order concerning this court’s jurisdiction. Specifically, Van Hook argues that because he resides in Owyhee County

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<sup>3</sup> Cannon does not argue that such a finding can be made pursuant to I.C.A.R. 59(d)(4). The court is not aware of any evidence in the record that would support a finding pursuant to that provision and the court declines to discuss the issue further.

and not Canyon County, this court lacks jurisdiction over him. It isn't clear whether Van Hook believes that this court lacks personal jurisdiction over him, or whether he believes that the court lacks subject matter jurisdiction to hear this proceeding. *See Matter of Hanson*, 121 Idaho 507, 509, 826 P. 2d 468, 470 (Idaho 1992) (“A court's jurisdiction has two components — jurisdiction of the subject matter and jurisdiction of the person.”). Either way Van Hook is mistaken.

As for subject matter jurisdiction, the Idaho Supreme Court has long understood that term to refer to:

(1) the nature of the cause of action and of the relief sought; (2) the class of cases to which the particular one belongs and the nature of the cause of action and of the relief sought; (3) the power of a court to hear and determine cases of the general class to which the particular one belongs; (4) both the class of cases and the particular subject matter involved; and (5) the competency of the court to hear and decide the case. However, subject matter jurisdiction does not depend on the particular parties in the case or on the manner in which they have stated their claims, nor does it depend on the correctness of any decision made by the court.

*State v. Rogers*, 140 Idaho 223, 228, 91 P. 3d 1127, 1132 (Idaho 2004) (citing 20 AM. JUR.2d Courts § 70 (1995)). This court is empowered to hear and determine cases of the sort brought here by virtue of the plain terms of I.C.A.R. 59, which states that proceedings conducted pursuant to that rule are to be presided over by the administrative judge for a given judicial district. The hearings on this matter were conducted in Canyon County but the court presided over the proceeding in its capacity as administrative judge for the Third Judicial District, as is contemplated by I.C.A.R. 59. The fact that Van Hook resides in Owyhee County (which is part of the Third Judicial District) and not Canyon County does not alter this conclusion.

As for personal jurisdiction, “[t]he voluntary appearance of a party or service of any pleading by the party . . . constitutes voluntary submission to the personal jurisdiction of the

court.” *Engleman v. Milanez*, 137 Idaho 83, 84, 44 P.3d 1138, 1139 (Idaho 2002) (quoting Idaho Rule of Civil Procedure (“I.R.C.P.”) 4(i)). A party named in a suit may take certain specific actions without submitting to the personal jurisdiction of a court, *see* I.R.C.P. 4.1(b) (listing actions a party may take that do not constitute a voluntary appearance), but Van Hook has not taken any of the particular actions listed in that subsection in response to the commencement of this proceeding. Instead, since this proceeding was referred to this court, Van Hook has filed: an objection to the motion; an objection to the service of that motion on him; what appears to be a motion for voluntary dismissal of Cannon’s motion pursuant to I.R.C.P. 41; and an objection to the proposed prefilng order issued by the court. Van Hook has also appeared at two hearings conducted by this court in this proceeding. By voluntarily appearing and participating in this proceeding Van Hook has submitted to the jurisdiction of this court and the court finds that it has personal jurisdiction over him for that reason.

Van Hook’s objection to the jurisdiction of this court is without merit. The court now addresses the parties’ argument as they relate to I.C.A.R. 59(d)(1-3).

**I.C.A.R. 59(d)(1)**

I.C.A.R. 59(d)(1), as recited above, permits this court to find a person to be a vexatious litigant where that person has commenced or maintained three (3) pro se litigations within the past seven (7) years that have been finally determined adversely to that person. Cannon argues that this condition has been met as Van Hook has had adverse final decisions entered against him in the Canyon County Case CV-2014-7409-C (where Judge DeMeyer entered a Judgment and Decree of Divorce on September 9, 2015), in the civil protection order action brought as Adams County Case CV-2014-3311 (which resulted in the imposition of a civil protection order in

Cannon's favor), and in the proceeding brought as Canyon County Case CV-2016-5044-C (which Judge VanderVelde dismissed by order dated December 16, 2016).

When the court entered its proposed prefilng order it was uncertain that these decisions satisfied the criteria set out in this rule. Problematically, it appeared to the court that two of these actions remained, in some sense, pending. First, when the court entered that order an appeal remained pending in Canyon County Case CV-2014-7409-C. Additionally, while the court was aware that Judge VanderVelde had dismissed the mandamus proceeding brought in Canyon County Case CV-2016-5044-C, the court was also aware that Judge VanderVelde had permitted Van Hook to transfer the habeas proceeding brought in that matter to Adams County, where it was commenced as Adams County Case CV-2017-3664. When this court entered its proposed prefilng order the habeas proceeding remained pending in Adams County. As a consequence the court wasn't sure that any of these proceedings could properly be characterized as litigations "that ha[d] been finally determined adversely to [Van Hook]." I.C.A.R. 59(d)(1).<sup>4</sup>

The situation has changed somewhat since the court initially issued its proposed prefilng order. Most significantly the action commenced by Van Hook as Adams County Case CV-2017-3664 has been dismissed in its entirety by Judge Nye. No notice of appeal has been filed from that decision, and as a result the court is satisfied that it is properly characterized as a litigation that has been finally determined adversely to Van Hook. The same is true for the mandamus proceeding commenced in Canyon County Case CV-2014-7409-C; no notice of appeal was filed by Van Hook after that action was dismissed by Judge Vandervele, meaning that this litigation

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<sup>4</sup> It also wasn't clear to the court whether Van Hook acted *pro se* during some, all or none of the proceedings conducted in Adams County Case Adams County Case CV-2014-3311. As a result the court is unable to determine whether Van Hook prosecuted or maintained that action while acting *pro se*, even if that action has ultimately resulted in a final adverse determination.

has also been finally determined adversely to Van Hook. Both of these two decisions were commenced within the past seven years and were prosecuted by Van Hook acting *pro se*, and the court for that reason finds that these proceedings provide two of the three litigations required for a finding pursuant to this subsection.

As for the third qualifying proceeding, there are several matters that potentially fulfil the criteria. Cannon, as mentioned previously, argues that the proceeding presided over by Judge DeMeyer (Canyon County Case CV-2014-7409-C), has been finally decided adverse to Van Hook. The court isn't as convinced as Canon that this case qualifies, as an appeal of that decision remains pending before the Idaho Supreme Court and until that process is completed the court cannot find that the matter has been finally determined adverse to Van Hook. Similarly, the matter commenced by Van Hook as Canyon County Case CV-2016-11807-C has been largely, but not entirely, dismissed. Until that litigation has concluded there is no basis for the court to conclude that this litigation satisfied the conditions set out in I.C.A.R. 59(d)(1).

The cases discussed above are not, however, the only litigations that Van Hook has commenced while acting *pro se*. As recited above, Van Hook filed three separate actions in Canyon County in 2014 (Canyon County Case Nos. CV-2014-6865-C, CV-2014-8801-C and CV-2014-11708-C), and one action in Owyhee County in 2015 (Owyhee County Case CV-2015-678-M). Each of those actions sought a civil protection order against Cannon, and each of those actions resulted in dismissal. I.C.A.R. 59, by its terms, does not exempt or exclude this or any other sort of action from the scope of the rule. The majority of the arguments presented by Van Hook in his written objection and at the hearings held by the court concern these proceedings, and more specifically concern the sequence of events that preceded, surrounded and followed their commencement, prosecution and disposition. Though Van Hook's arguments shed some

light onto the course of those proceedings they do little to contradict the fact that each of these proceedings was commenced within the last seven (7) years, each resulted in a final determination adverse to Van Hook, and each were commenced and prosecuted by Van Hook acting *pro se*. The court therefore finds that any of these three cases satisfy the requirements set out in I.C.A.R. 59(d)(1), and that any one of the three can provide the third predicate litigation required for finding made pursuant to this subsection. The court, in an exercise of discretion, therefore concludes that there exists here a basis to conclude that Van Hook is vexatious litigant pursuant to I.C.A.R. 59(d)(1).

**I.C.A.R. 59(d)(2)**

I.C.A.R. 59(d)(2) permits a court to find a person to be a vexatious litigant where that person has, in effect, sought to repeatedly re-litigate a final determination made against that person. Cannon argues that this is what has occurred here. Specifically, Cannon asserts that Van Hook, having failed to file a timely motion for reconsideration or appeal of the merits of the judgment that was entered against him by Judge DeMeyer on September 9, 2015 in Canyon County Case CV-2014-7409-C, has instead spent the last year and a half launching a series of meritless collateral attacks targeting the validity of that judgment.

The court largely agrees with Cannon that most of what Van Hook has filed and argued over the past year or so can fairly be characterized as collateral attacks on Judge DeMeyer's September 9, 2015 judgment. As mentioned previously, when the court conducted the initial status conference hearing on February 14, 2017 an appeal was pending before Judge McKee that could conceivably have affected the finality of Judge DeMeyer's judgment. Judge McKee has since determined that the appeal brought by Van Hook was without merit, and indeed was frivolous. (*See* Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal, filed

March 20, 2017, at \*6) In light of this decision the court agrees with Cannon that Van Hook's conduct in that case can properly be described as repeated attempts to re-litigate Judge DeMeyer's September 9, 2015 judgment.

The court also agrees with Cannon that in Canyon County Case CV-2016-5044-C and Adams County Case CV-2017-3664 Van Hook has sought to re-litigate Judge DeMeyer's September 9, 2015 judgment. Those actions, as recited previously, sought a writ of mandate and/or a writ of habeas corpus that would essentially order the relief that Van Hook failed to obtain before Judge DeMeyer. Canyon County Case CV-2016-5044-C was heard before Judge VanderVelde, who dismissed the mandamus action, concluding that no existing authority supported the issuance of the writ in the circumstances presented. It is clear to this court from the record before it that Canyon County Case CV-2016-5044-C was and is little more than a collateral attack on the judgment entered by Judge DeMeyer in Canyon County Case CV-2014-7409-C. The same can be said about Adams County Case CV-2017-3664, which sought a writ of habeas corpus that would essentially have ordered Cannon to produce the parties' minor children and deliver them to Van Hook's custody, and which was dismissed by Judge Nye. The court also agrees with Cannon that Canyon County Case CV-2016-11807-C, which names Judge DeMeyer as a defendant and which seeks an order that would essentially direct Judge DeMeyer to disqualify or recuse himself, is another attempt by Van Hook to re-litigate the merits of Judge DeMeyer's September 9, 2015 judgment.

Based on the foregoing the court concludes that the record in these matters support a finding that Van Hook is a vexatious litigant pursuant to I.C.A.R. 59(d)(2) as well.

**I.C.A.R. 59(d)(3)**

I.C.A.R. 59(d)(3) permits a court to make a vexatious litigant finding where a *pro se* litigant has “repeatedly file[d] unmeritorious motions, pleadings, or other papers, conduct[ed] unnecessary discovery, or engage[d] in other tactics that are frivolous or solely intended to cause unnecessary delay.” Cannon argues that Van Hook, while acting *pro se* in Canyon County Case CV-2014-7409-C, has engaged in several of the acts listed by the rule. The court largely agrees.

For one thing, the record in that case clearly supports a finding that Van Hook has “repeatedly file[d] unmeritorious motions, pleadings or other papers[.]” I.C.A.R. 59(d)(3). Though Van Hook was represented by counsel at various points during the course of the proceeding conducted in Canyon County Case CV-2014-7409-C, whenever Van Hook has proceeded *pro se* he has filed numerous unmeritorious motions.

First, a short while after Van Hook’s second attorney, Steven Fischer, withdrew from the representation Van Hook filed motions seeking to disqualify Judge DeMeyer, a motion for appointment of a guardian ad litem, and for an order requiring both him and Cannon to submit to a polygraph examination. On June 11, 2015 Judge DeMeyer concluded after a hearing that each of those motions was entirely without merit. Second, shortly after Van Hook’s third attorney, Virginia Bond, withdrew from the representation, Van Hook filed another motion to recuse Judge DeMeyer, which was found to be without merit in a written order filed April 26, 2016. Third Van Hook brought a *pro se* appeal of that order that was fully briefed and argued before Judge McKee, who concluded after considering the full record in the matter that the motion to recuse was frivolous, (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal September 18, 2016, at \*2), as was the appeal brought from the order denying that motion. (*Id.* at \*3) Fourth, Van Hook moved to reconsider Judge McKee’s decision to award

Cannon costs on appeal, which was denied with the court noting specifically that “neither the Idaho Rules of Civil Procedure, Rules of Family Law Procedure, nor the Idaho Appellate Rules allow for a motion to reconsider an appellate decision.” (Canyon County Case CV-2014-7409-C, Order Denying Motion to Reconsider, filed March 1, 2017 at \*2). Fifth, Van Hook has responded to his loss on appeal by filing a series of additional motions before Judge DeMeyer, including another motion seeking to disqualify Judge DeMeyer and a motion for a finding of criminal contempt against the Respondent. After a hearing Judge DeMeyer dismissed the contempt proceeding and denied Van Hook’s remaining motions, specifically finding that they were “frivolous, unreasonable and without foundation[.]” (Canyon County Case CV-2014-7409-C, Order Denying Various Motions, Granting One, and Ordering Attorney’s Fees and Costs, filed December 14, 2016, at \*2). Judge McKee has since affirmed Judge DeMeyer’s decision, specifically finding that Van Hook’s appeal of that decision was brought without foundation and was frivolous. (Canyon County Case CV-2014-7409-C, Memorandum Decision on Appeal September 18, 2016, at \*2) Based on the foregoing the court concludes that Van Hook has “repeatedly file[d] unmeritorious motions, pleadings or other papers[.]” as is required for a vexatious litigant finding pursuant to I.C.A.R. 59(d)(3).

Additionally, it is evident from the record before the court that by filing a separate *pro se* actions in Canyon County Case CV-2016-5044-C, Adams County Case CV-2017-3664 and in Canyon County Case CV-2016-11807-C that Van Hook has “engage[d] in other tactics that are frivolous or solely intended to cause unnecessary delay.” I.C.A.R. 59(d)(3). Those actions were, for reasons discussed above, little more than a collateral attacks on the judgment entered in Canyon County Case CV-2014-7409-C. The court concludes that Van Hook’s commencement

and prosecution of those proceedings can properly be characterized as frivolous tactic for purposes of I.C.A.R. 59(d)(3).

In light of the foregoing the court, in an exercise of discretion therefore concludes that Van Hook is a vexatious litigant pursuant to I.C.A.R. 59(d)(3) as well.

### **Van Hook's February 28, 2017 Motion**

As noted previously, on February 28, 2017 Van Hook filed a pleading captioned as "Response to: Notice Regarding Service of Motion RE Vexatious Litigation [] Request for Hearing – Alternatively – Request for Respondents Voluntary Dismissal with advance notice to Plaintiff." It isn't clear what relief Van Hook sought to obtain by filing this motion. It was filed after the court had conducted the February 14, 2016 preliminary hearing on the vexatious litigant referral but during the course of that hearing the court addressed issues regarding delays in the service of Cannon's moving papers. The court inquired regarding whether a continuance would be needed to permit Van Hook a full opportunity to prepare his response. Van Hook instead opted to proceed with the hearing and thereby waived any further objection to the timeliness of the service of Cannon's moving papers. Moreover, even if Van Hook was in some way prejudiced by whatever delay occurred in the initial service of Cannon's motion, he had several months to research, investigate and prepare to present his opposition in advance of the hearing conducted by the court on Van Hook's objection to the court's proposed pre-filing order. The motion is denied to the extent that it seeks to argue that Van Hook has been incurably prejudiced by whatever delay occurred in the service of Cannon's motion for a vexatious litigant referral to this court.

Van Hook's motion also appears to request that Cannon voluntarily withdraw her motion for a vexatious litigant referral. Cannon has not done so, and at this point the issue appears to be moot; this court is not proceeding on the basis of Cannon's motion, but rather on the basis of Judge DeMeyer's ruling thereon. More to the point however, Cannon has declined Van Hook's request that she voluntarily dismiss that motion, and Van Hook has presented no argument whatsoever that demonstrates why the court should compel her to.<sup>5</sup> The motion is therefore denied to the extent that it seeks voluntary dismissal of Cannon's motion for a vexatious litigant referral.

### **Conclusion and Order**

The undersigned Administrative District Judge finds that there is a basis to conclude that Ronald L. Van Hook is a vexatious litigant as defined by I.C.A.R. 59 and that a prefiling order should be entered against him pursuant to I.C.A.R. 59(c), (d) and (e). The court also denies the motion filed by Van Hook dated February 28, 2017. This finding is based on the findings of fact, conclusions of law and analysis set forth above.

Pursuant to this court's finding Ronald L. Van Hook is ordered not to file any new litigation in this state *pro se* without first obtaining leave of the court where the litigation is proposed to be filed.

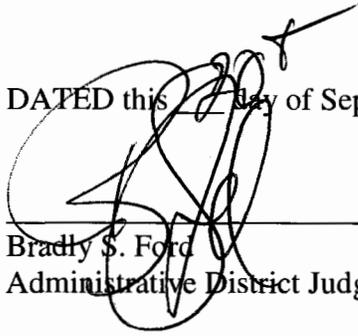
Ronald L. Van Hook is further notified that disobedience of this prefiling order may be punished as a contempt of court and can result in the court dismissing any action filed by Ronald

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<sup>5</sup> Moreover it isn't clear that this court enjoys any authority to order a party to withdraw a motion that was filed in what is technically a separate proceeding.

L. Van Hook that is filed without obtaining leave of the court as provided by I.C.A.R. 59(h) and (j).

DATED this 28 day of September, 2017.

  
\_\_\_\_\_  
Bradly S. Ford  
Administrative District Judge

## CERTIFICATE OF SERVICE

The undersigned certifies that on 20 September 2017 s/he served a true and correct copy of the original of the forgoing **ORDER** on the following individuals in the manner described upon:

- **Ronald Van Hook**  
204 N. Main St.  
Homedale, ID 83628
  
  - **Kimberli A. Stretch**  
Idaho Legal Aid Services, Inc.  
1305 3<sup>rd</sup> Street South  
Nampa, ID 83651
- Attorney for Dawn R. Cannon*
- **Sara Thomas**  
Administrative Director of the Courts  
451 W. State St.  
P.O. Box 83720  
Boise, ID 83720-0101

when s/he placed the same into the latter's respective "pick up" box at the Canyon County Clerk's office, Canyon County Courthouse, Caldwell, Idaho, or when s/he deposited the same in U.S. Mail.

CHRIS YAMAMOTO, Clerk of the Court

By: \_\_\_\_\_



Deputy Clerk of the Court

**F I L E D**  
A.M. 12:00 P.M.

**OCT - 6 2017**

**CANYON COUNTY CLERK  
T. PETERSON, DEPUTY**

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628  
(208) 982-0164  
Pro Se

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**IN RE: MOTION TO DECLARE  
Ronald Van Hook a  
Vexatious Litigant**

Supreme Court Docket 44988-2017  
44989-2017

**NOTICE OF APPEAL  
Case No. CV-2017-3444-C**



**NOTICE IS HEREBY GIVEN THAT:**

1. Ronald Van Hook, Pro Se, Appeals to the Idaho Supreme Court against the 'Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59', in Canyon County Case Number CV-2017-3444-C filed on September 20, 2017 by District Court Judge Bradly S. Ford.
2. Appellant has the Right to Appeal to the Idaho Supreme Court per Idaho Court Administrative Rule 59 (f), and/or per Idaho Appellate Rule 4.
3. Appellant states that the issues on appeal are Abuse(s) of Discretion on the part of the District Court and Officers of the Magistrate Court that made the initial referral to the District

Court. Appellant also states that "Jurisdictional" issues are part of this appeal.

4. There is an order Sealing that portion of the record in Adams County CV-2014-3311, which was consolidated with Canyon County CV-2014-7409, which was the case number this originated under prior to the case number being changed to CV-2017-3444 by order of the District Court.

5. Appellant states no transcript is requested for CV-2017-3444-C at this time, but Appellant reserves the right to later obtain a transcript and/or audio copies as may be needed for other future purposes.

6. Appellant states that all documents necessary for review by the Supreme Court have already been sent to the Supreme Court for docket number 44988-2017 and/or 44989-2017, and that this Appeal pertains to the same subject matter and the same case that is currently pending before the Idaho Supreme Court, regardless of the case number being changed in this situation, from CV-2014-7409 to CV-2017-3444 by Order of the District Court.

7. Appellant states there is No Responding Party stated on the Order from the District Court currently on Appeal... However, as this appeal is based on the same subject matter, and originated as the exact same case currently on appeal before the Idaho Supreme Court, that this appeal should be heard simultaneously as the appeal pending before the Supreme Court in 44988/44989-2017 per Idaho Appellate Rule 44 (Extraordinary Appellate Procedure) and Idaho Appellate Rule 48 (Practice Not Covered By Rules), Appellant is therefore notifying Counsel for the opposing party in CV-2014-7409, Kimberli Stretch of Idaho Legal Aid, of this matter.

8. Appellant States that there are no clear and definitive directives or statutes pertaining

to the exact methodology of the Appeals process in this situation, and as such, a copy of this Notice of Appeal is being sent to both the District Court in Canyon County Idaho and to the Idaho Supreme Court, where the Supreme Court must hear this on appeal as a Matter of Right.

*A copy of the order being appealed is attached hereto.*

Dated this 2nd day of Oct., 2017.



Ronald Van Hook  
Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of Oct, 2017.

I caused a true and correct copy of the foregoing to be served on the following person(s) in the manner indicated as follows:

Kimberli Stretch (Idaho Legal Aid)  
Counsel for Respondent  
Dawn R. Cannon (f.k.a. Van Hook)  
1305 3rd St. So.  
Nampa, ID, 83651  
(208) 475 - 5722  
kimberlistretch@idaholegalaid.org

usual  
 Email

ID Supreme Court  
451 W. State St.  
Boise ID 83702  
(208) 334-2616  
Supreme Court Documents@  
ID Courts.net

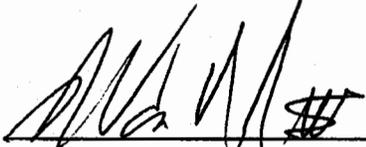
U.S. Mail  
 Overnight Mail  
 Fax  
 E-Mail  
 Hand Delivered

3rd Dist. Caldwell ID  
115 Albany St.  
Caldwell ID 83605  
(208) 454-7525  
Court civil@Cayn Co. org

U.S. Mail  
 Overnight Mail  
 Fax  
 E-Mail  
 Hand Delivered

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 Fax  
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 Hand Delivered

  
\_\_\_\_\_  
Signature

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

In Re: PREFILING ORDER DECLARING )  
VEXATIOUS LITIGANT, PURSUANT TO )  
I.C.A.R. 59. )  
\_\_\_\_\_ )

RONALD L. VAN HOOK, )  
 )  
Vexatious Litigant-Appellant, )

Case No. CV-17-03444\*C  
CERTIFICATE OF EXHIBITS

v. )

BRADLY S. FORD, ADMINISTRATIVE )  
DISTRICT JUDGE, THIRD JUDICIAL )  
DISTRICT, )

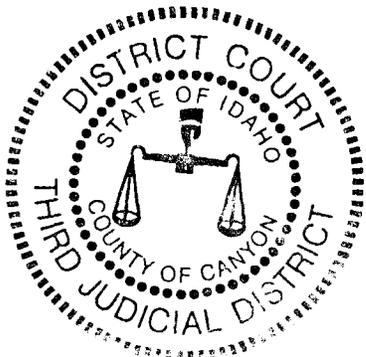
Respondent. )

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify that the following exhibits were used at the Motion Hearing:

**Defendant's Exhibits:**

<b>A</b>	<b>Order to Augment the Record</b>	<b>Admitted</b>	<b>Sent</b>
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 5 day of December, 2017.



CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon.  
By: *K. Waldemer* Deputy

CERTIFICATE OF EXHIBITS





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

IN RE: MOTION TO DECLARE RONALD  
L. VAN HOOK A VEXATIOUS LITIGANT

---

RONALD VAN HOOK,

A vexatious litigant.

CASE NO. CV-2017-3444  
Supreme Court Docket #45459-2017

**AMENDED ORDER PARTIALLY  
GRANTING AND PARTIALLY  
DENYING OBJECTION TO THE  
CLERK'S RECORD**

On December 21, 2017, Ronald Van Hook filed a document entitled Objection to Clerk's Record. This document is captioned incorrectly naming this court as a defendant when no such case has been filed or exists. The objection was filed in Canyon County using the Idaho Supreme Court Docket Number 45459-2017. It was determined by the Canyon County Clerk's Office that the Objection to Clerk's Record was intended to be filed in the above captioned case. The flash drive referred to in Van Hook's objection was placed in one of the underlying divorce proceedings referred to in this case at the time of the Odyssey transition in the Third Judicial District and was not quickly located. The court clerk's minutes in the file correctly did not reflect that the flash drive was ever admitted into evidence. However, the court has reviewed the audio of the February 14, 2017 hearing in which the flash drive was offered by Mr. Van Hook and has determined that the court initially said the flash drive was submitted and would be admitted for purposes of argument during the hearing with the admonition to the parties on the

record that because of the content of the flash drive, the court would not likely review or rely on the contents of the flash drive in making its decision. The flash drive was represented to the court as being an accumulation of duplicates, recordings or copies from the record of other cases which were cited as a basis for this vexatious litigant referral. At a later point in the February 14, 2017 hearing the court specifically states that it was not necessarily ruling that the submitted exhibits (including the thumb drive) were admitted noting the court would make a record of the exhibits that were being offered by Mr. Van Hook and would also later note what, if any, of the flash drive information was used by the court in making any decision. This court never reviewed or relied on the contents of the flash drive in making any decision in this case as the official records of the cases referenced are what the court indicated it would rely upon. It is clear from the record that the initial comment by the court that the flash drive was submitted and admitted was specifically rescinded by the court at a later point in the discussion. Finally, the court did refer on page 2 of its Prefiling Order Declaring Vexatious Litigant Pursuant To Idaho Court Administrative Rule 59 filed September 20, 2017 to the thumb drive noting it would rely on the official records of the courts. The court never referred to or relied on any information on the thumb drive which was submitted, but which the court deems having never been admitted into evidence. The court acknowledges the change in the court's position during the February 14, 2017 hearing may have been ambiguous to Mr. Van Hook.

The court has located an unfiled copy of an uncaptioned document that appears to be written in Spanish with the word affidavit at the top and signed by what appears to be a Valentin Aguilera (unreadable last name). This document appears to have been an attachment to a document entitled "Jurisdictional Challenge", "Response to Proposed Prefiling Order Declaring Vexatious Litigant Pursuant to Idaho Court Administrative Rule 59" and "Request for Judicial

Notice of Cases with Same or Similar Subject Matter" filed by Ronald Van Hook in the above entitled case on June 9, 2017. The Canyon County appeals clerk has advised the court that the document was included as an attachment to the above noted pleading in the proposed record she submitted to Mr. Van Hook.

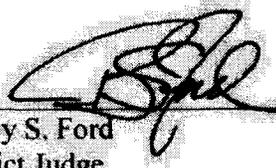
Upon reviewing said Objection to Clerk's Record and for the reasons set forth above,

IT IS HEREBY ORDERED that Ronald Van Hook's Objection to the record is granted in part and denied in part as follows:

1. The record on appeal in the above entitled case shall be amended to include a copy of a flash drive submitted to the Court that contains a catalog of court documents, court transcripts and audio recordings of various court proceedings. This flash drive was submitted to the Court in this case on February 14, 2017 in open court, and was marked by the Court as Petitioner's Exhibit 2. The court initially indicated it would admit the submitted flash drive, but subsequently noted it was not admitted as the court had not reviewed it and would rely on the official record of other proceedings. However, a copy of the above mentioned flash drive shall be prepared and lodged with the Clerk of the Idaho Supreme Court, and copies served on the Appellant. The above items shall be prepared at county expense. This court did not rely on any of the contents of the flash drive in making its decision in the above entitled case. This granting of the objection is to make sure offered evidence which this court ultimately did not admit into evidence or rely on in making its decision is being made part of the record so that it can be appropriately considered by the appellate court.

2. The objection regarding the document Ron Van Hook refers to as an affidavit of Valentin Aguilera is denied as it was already in the Canyon County Clerk's proposed record for appeal as an attachment to the pleading entitled "Jurisdictional Challenge" as noted above. That document was never separately filed as it apparently was submitted as an attachment. It could not be separately filed as it was not properly captioned in compliance with the Idaho Rules of Civil Procedure.
3. This order amends and supersedes the ORDER PARTIALLY GRANTING AND PARTIALLY DENYING OBJECTION TO THE CLERKS RECORD filed in the above entitled matter earlier on this date.

IT IS SO ORDERED this 28th day of February 2018.

  
\_\_\_\_\_  
Bradly S. Ford  
District Judge

**CLERK'S CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused to be served upon each party listed below, a true and correct copy of the foregoing **AMENDED ORDER PARTIALLY GRANTING AND PARTIALLY DENYING OBJECTION TO THE CLERK'S RECORD** by either depositing the same in the U.S. Mail, first class postage prepaid, e-mail or by personal service:

Ronald Van Hook  
204 N. Main  
Homedale, ID 83628

Karel Lehrman  
Clerk of the Supreme Court  
[klehrman@idcourts.net](mailto:klehrman@idcourts.net)

Lawrence G. Wasden  
IDAHO ATTORNEY GENERAL'S OFFICE  
PO Box 83720  
Boise, ID 83702-0010  
[civlitcourt@ag.id.gov](mailto:civlitcourt@ag.id.gov)

Kathy Waldemer  
Appeals Clerk

**Date Served:** 02/28/2018

CLERK OF THE DISTRICT COURT

State of Idaho }  
County of Canyon } ss.  
I hereby certify that the foregoing instrument  
is a true and correct copy of the original as  
the same appears in this office.

DATED

3-1-18

CHRIS YAMAMOTO, Clerk of the District Court

By K. Waldemer  
Deputy

By: L. Hale  
Deputy Clerk

Signed: 2/28/2018 04:47 PM

