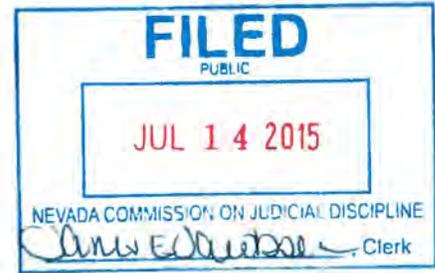


1 Kathleen M. Paustian, Esq. SBN 3785
2 Law Office of Kathleen M. Paustian
3 3205 Skipworth Drive
4 Las Vegas, NV 89107
5 Telephone (702) 321-2222
6 Facsimile (702) 369-5727
7 kathleenpaustian@cox.net
8 Special Counsel for the Nevada
9 Commission on Judicial Discipline



6 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

8 IN THE MATTER OF THE HONORABLE)
9 ANN E. ZIMMERMAN, Las Vegas)
10 Township Justice of the Peace, County of)
11 Clark, State of Nevada,)
12 Respondent.)

Case No.: 1503-922

13 **FORMAL STATEMENT OF CHARGES**

15 COMES NOW Kathleen M. Paustian, Special Counsel for the Nevada Commission on
16 Judicial Discipline ("Commission" or "NCJD"), established under Article 6 § 21 of the Nevada
17 Constitution, who, in the name of and by the authority of the Commission, as found in NRS 1.425 -
18 1.4695, files this Formal Statement of Charges and informs the Respondent, Ann E. Zimmerman,
19 Justice of the Peace, Las Vegas Township Justice Court, County of Clark, State of Nevada, that the
20 following acts were committed by Respondent and warrant disciplinary action by the Commission
21 under the Nevada Code of Judicial Conduct.

22 **FACTUAL ALLEGATIONS**

23 Beginning on or about November 29, 2010 and continuing to on or about December 14, 2010,
24 Respondent Zimmerman knowingly and in the capacity of her office as Justice of the Peace in Las
25 Vegas Township, in case number 08A002075 ("said case"), engaged in the following acts, or a
26 combination of these acts (collectively referred to as "the acts"):

27 A. On or about November 29, 2010, signed an Order Setting Hearing in said case based on
28 Defendant eGIX Inc.'s Motion to Place on Calendar ("Motion"), which did not include a Certificate

1 of Service on Plaintiff D.M. Dutcher.

2 B. On December 14, 2010, presided at a hearing in said case with the knowledge the Motion did
3 not include a Certificate of Service on the Plaintiff. At the hearing, counsel for Defendant asked the
4 Respondent to remove a bench warrant for the appearance of Steven Johns, former CEO of
5 Defendant eGIX, Inc. on grounds Mr. Johns was not given proper notice. During the hearing,
6 counsel for Defendant acknowledged he had not obtained service of the Motion on Plaintiff.

7 C. Respondent granted the Defendant's Motion at the hearing on December 14, 2010 and
8 entered an Order withdrawing the bench warrant against Steven Johns, despite having been informed
9 by counsel for Defendant that he had not noticed Plaintiff of the hearing.

10 D. Respondent granted Defendant's Motion despite the fact it stated Defendant would like to
11 resolve the matter as soon as possible and requested that the Respondent calendar "a Status Check on
12 Negotiation".

13 E. Respondent removed the bench warrant instead of continuing the matter to ensure the
14 Plaintiff was served with the Motion and given an opportunity to contest the withdrawal of the
15 bench warrant.

16 F. Respondent considered the written and oral arguments of counsel for the Defendant
17 which were made outside the knowledge or presence of the Plaintiff. Said arguments
18 concerned a pending substantive matter and by hearing them without notice to the Plaintiff,
19 Respondent could not provide the Plaintiff the opportunity to be heard and could not insure
20 that Defendant did not gain a procedural, substantive or tactical advantage over Plaintiff.

21 G. Respondent failed to be candid, honest and fully cooperative with the NCJD, because on
22 or about May 7 and 9, 2014, during interviews with the Commission investigator, Respondent
23 failed to state that the record in said case shows the Plaintiff served the Defendant initially in
24 April, 2008 and not in December, 2009, and that the Motion for Examination of Judgement
25 Debtor was served on Steven Johns in November, 2009 and Plaintiff served the Motion and
26
27
28

1 Order to Show Cause on Defendant in November and December, 2009.

2 **COUNT ONE**

3 By engaging in the acts, or a combination of the acts, listed above, Respondent violated
4 Canon 2, Rule 2.2 requiring impartiality and fairness when conducting judicial duties.

5 **COUNT TWO**

6 By engaging in the acts, or a combination of the acts, listed above, Respondent violated
7 Canon 2, Rule 2.6 requiring her to give all parties the right to be heard on substantive matters during
8 the course of a pending lawsuit.

9 **COUNT THREE**

10 By engaging in the acts, or a combination of the acts, listed above, Respondent violated
11 Canon 2, Rule 2.9, prohibiting ex parte communications, by considering the written and oral
12 arguments of counsel for the Defendant which were made outside the knowledge or presence of the
13 Plaintiff. Said arguments concerned a pending substantive matter and by hearing them without
14 notice to the Plaintiff, Respondent could not provide the Plaintiff the opportunity to be heard and
15 could not insure Defendant did not gain a procedural, substantive or tactical advantage over Plaintiff.

16 **COUNT FOUR**

17 By engaging in the act, or a combination of the acts, listed above, Respondent violated
18 Canon 2, Rule 2.16 requiring cooperation, candor and honesty with the NCJD. Respondent failed
19 to inform the NCJD investigator on or about May 7 and 9, 2014, that the record in said case shows
20 the Plaintiff served the Defendant initially in April, 2008, and not in December, 2009, and that the
21 Motion for Examination of Judgment Debtor was served on Steven Johns in November, 2009 and
22 Plaintiff served the Motion and Order to Show Cause on Defendant in November and December,
23 2009.

24 //

25 //

26 //

27 //

28 //

1 Based on this information, the Commission shall hold a public hearing on the merits of these
2 facts and Counts pursuant to NRS 1.4673 and, if violations as alleged are found to be true, the
3 Commission shall impose whatever sanctions and/or discipline it deems appropriate pursuant to
4 NRS 1.4677 and other Nevada Revised Statutes governing the Commission
5
6

7 DATED this 13th day of July, 2015.
8

9
10 Submitted by: 

11 Kathleen M. Paustian

12 Special Counsel to the NCJD
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2 STATE OF NEVADA)
3 COUNTY OF CLARK) ss

4 KATHLEEN M. PAUSTIAN, ESQ. being first duly sworn under oath, according to Nevada
5 law, and under penalty of perjury, hereby states:
6

7 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained
8 by the Nevada Commission on Judicial Discipline to serve in the capacity of Special Counsel in the
9 matter of the Honorable Ann E. Zimmerman, Case No. 1503-922.

10 2. I have prepared and reviewed this Formal Statement of Charges against the Honorable
11 Ann E. Zimmerman and, pursuant to the investigation conducted in this matter, and based on the
12 contents of that investigation and following reasonable inquiry, I am informed and believe that the
13 contents of this Formal Statement of Charges are true and accurate.
14

15 Dated this 13th day of July, 2015

16
17 
18 KATHLEEN M. PAUSTIAN, ESQ.

19
20 Subscribed and sworn to before me, a Notary Public
21 this 13 day of July, 2014.

22 
23 By: _____
24 NOTARY PUBLIC

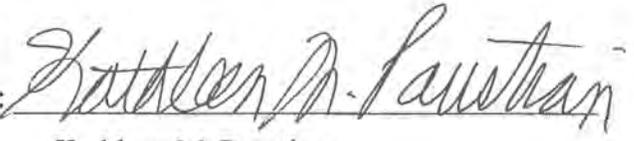


CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was placed in U.S. mail, postage pre-paid, on this 13th day of July, 2015, addressed to:

The Honorable Ann E. Zimmerman
Justice of the Peace, Department 8
Las Vegas Township
County of Clark
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89155

By: 
Kathleen M. Paustian
Special Counsel to the NCJD