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December 2, 2002

Judicial Discipline Commission
899 Logan St., #307
Denver, CO 80203

Dear Judicial Discipline Commission:

I am writing your office to file a complaint against Magistrate Terry Tomsick of the Denver County Court System.

On October 3rd, I filed a small claims suit against a company in Colorado. The trial was scheduled for November 13th, 2002 at 1:30 PM at 1515 Cleveland Place, 4th Floor and the case number is SC63651. Even though I live in Arizona, I travel to Colorado about once a month so I was able to be in Colorado on November 13th. Unfortunately, without warning Magistrate Tomsick dismissed the case without prejudice on November 4th, 2002. I looked at my case file and it's obvious that the defendant's attorney contacted Magistrate Tomsick even though there wasn't a formal motion in the case file. If you look at the case file, you'll see that a dismissal was faxed to the NASD attorney and the courts couldn't have known this information unless either they (the courts) or the attorney had contacted the court. Moreover, Magistrate Tomsick based her dismissal on facts she could have not known unless she had talked to the NASD ahead of time before dismissing the case.

I am amazed but not surprised that the defendant was able to present their case while I was not given this opportunity. Moreover, I asked to see Magistrate Tomsick and she wasn't at the courthouse so she couldn't have been assigned for my case or she would have been at the courthouse to hear the other small claim cases assigned for that day.

I always thought the courts were to be impartial but it's obvious by their actions that this is not the case. If Magistrate Tomsick cannot be impartial, she shouldn't be a Magistrate for your court system.

In addition, I'm requesting the following information.

- 1) **A copy of the law she based her dismissal on.**
- 2) **A copy of the arbitration clause she based her dismissal on.**
- 3) **A reason why she made a decision on this case even though she wasn't assigned the case.**

Best Regards,

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