

NOTICE: NOT FOR PUBLICATION.  
UNDER ARIZ. R. SUP. CT. 111(c), THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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SANDRA HALL, *Plaintiff/Appellee*,

*v.*

ROSEANN DELFINO, *Defendant/Appellant*.

No. 1 CA-CV12-0482

FILED 12-26-2013

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Appeal from the Superior Court in Maricopa County

No. CV2012-052400

The Honorable John R. Doody, *Judge Pro Tempore*

**AFFIRMED**

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COUNSEL

Sandra Hall, Phoenix

*Plaintiff/Appellee in Propria Persona*

Roseann Delfino, Rhinebeck, NY

*Defendant/Appellant in Propria Persona*

Hall v. Delfino  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Samuel A. Thumma delivered the decision of the Court, in which Presiding Judge Randall M. Howe and Judge Patricia A. Orozco joined.

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**T H U M M A**, Judge:

¶1 Roseann Delfino appeals from an injunction against harassment entered against her at the request of appellee Sandra Hall. Finding no abuse of discretion, the injunction against harassment is affirmed.

**FACTS<sup>1</sup> AND PROCEDURAL HISTORY**

¶2 Delfino and Hall have been residential neighbors in Phoenix. Their interactions became strained over time, resulting in various police reports and altercations between Hall and individuals allied with her and Delfino and individuals allied with her. That animosity resulted in multiple injunctions against harassment.

¶3 On March 15, 2012, Hall obtained an injunction against harassment against Delfino in Fountain Hills Municipal Court, prohibiting Delfino, inter alia, from going to or near Hall's residence and from having any contact with Hall, other than through third parties. From the record, it is unclear whether this order was ever served.

¶4 On March 22, 2012, Delfino obtained an injunction against harassment against Hall in Maricopa County Superior Court, prohibiting Hall, inter alia, from going to or near Delfino's residence or from having any contact with Delfino, other than through third parties. Hall was served with that injunction on March 22, 2012. On April 2, 2012, Hall filed a request for a hearing. After an April 4, 2012 evidentiary hearing, where both Hall and Delfino appeared and presented evidence, the Superior Court ordered that the injunction against harassment against Hall remain in effect. No appeal was taken from that injunction.

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<sup>1</sup> This court views the evidence in the light most favorable to upholding the superior court's factual findings. *Powers v. Taser Int'l Inc.*, 217 Ariz. 398, 399 n.1, ¶ 4, 174 P.3d 777, 778 n.1 (App. 2007).

Hall v. Delfino  
Decision of the Court

¶5 On April 6, 2012, Hall obtained an injunction against harassment against Delfino in Maricopa County Superior Court, prohibiting Delfino, inter alia, from going to or near Hall's residence or from having any contact with Hall, other than through third parties.<sup>2</sup> Delfino was served with that injunction on April 12, 2012 and, the next day, Delfino requested a hearing and asked the matter be dismissed. After an April 25, 2012 evidentiary hearing, where both Hall and Delfino appeared and presented evidence, the Superior Court ordered that the injunction against harassment against Delfino remain in effect. Delfino timely appealed from that order, and this court has jurisdiction pursuant to Arizona Revised Statutes (A.R.S.) sections 12-120.21 and 12-2101(A)(5)(b) (2013).<sup>3</sup> See *A.J. Lafaro v. Cahill*, 203 Ariz. 482, 485, ¶ 8, 56 P.3d 56, 59 (App. 2002); Ariz. R. Prot. Ord. P. 9(A)(2).

**DISCUSSION**

¶6 Delfino challenges the injunction against harassment issued against her and in favor of Hall, alleging the court proceeding was "staged and fixed," that a number of individuals "aided and abetted" Hall and that she should receive restitution.

¶7 On the record before this court, there is nothing to suggest that the superior court proceedings were "staged and fixed." Instead, it appears that, on two different days, the same judicial officer considered different evidence provided by both Delfino and Hall and found that each had made the showing required for the issuance of an injunction against harassment against the other. See A.R. S. § 12-1809; Ariz. R. Prot. Ord. P. 8. Although recognizing that only one of those injunctions against harassment is properly before this court on appeal, the issuance of these mirror-image orders negates any suggestion that the judicial officer improperly favored one party over the other. In addition, Delfino

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<sup>2</sup> Hall provided no answering brief and the time to do so has long since passed. Ariz. R. Civ. App. P. 15(a). In considering this appeal, the court has reviewed and takes judicial notice of the Maricopa County Superior Court's records in CV 2012-052265 and CV 2012-052400. See *City of Phoenix v. Superior Court*, 110 Ariz. 155, 157, 515 P.2d 1175, 1177 (1973); Ariz. R. Evid. 201.

<sup>3</sup> Absent material revisions after the relevant dates, statutes cited refer to the current version unless otherwise indicated.

Hall v. Delfino  
Decision of the Court

provided no transcript from any proceeding and this court will presume that the transcript properly supports the orders.

¶8 Next, Delfino argues that Hall was “aided and abetted” by a number of other individuals. From the record, the court is unable to determine whether this claim is supported factually. Legally, however, the relevant issue was whether Hall met her burden to show that an injunction against harassment was proper. *See* A.R.S. § 12-1809; Ariz. R. Prot. Ord. P. 8. On this record, Delfino has not shown that the court erred in issuing the injunction against harassment in favor of Hall and against Delfino.

¶9 Finally, the injunction against harassment was issued pursuant to A.R.S. § 12-1809 and the Arizona Rules of Protective Order Procedure. Delfino has not shown how she is entitled to any sort of restitution pursuant to these provisions.

**CONCLUSION**

¶10 “Mending Wall,” written by Robert Frost nearly a century ago, concludes with an old adage: “Good fences make good neighbours.” As of April 25, 2012, at their request, the Superior Court had entered orders that created a strong legal fence separating Delfino and Hall. Taken together, the Superior Court issued injunctions against harassment obtained by Delfino against Hall and Hall against Delfino requiring that they should not go to or near the residence of each other and have no direct contact with each other. In issuing these strong legal fences, on this record, there was no error. Accordingly, the Superior Court’s order of injunction against harassment is affirmed.



Ruth A. Willingham · Clerk of the Court  
FILED: gsh