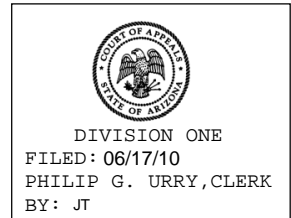


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



CYNTHIA CATHERINE BROWN,) 1 CA-CV 09-0698
)
Plaintiff/Appellee,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
ADA FOX,) Rule 28, Arizona Rules of
) Civil Appellate Procedure
)
Defendant/Appellant.)
_____)

Appeal from the Superior Court in Maricopa County

Cause No. CV2009-024869

The Honorable Kirby Kongable, Commissioner

AFFIRMED

Bonnie Yarbrough PLC)
by Bonnie Yarbrough) Mesa
Attorney for Defendant/Appellant)

Cynthia Catherine Brown, Plaintiff/Appellee) Phoenix
In Propria Persona)

P O R T L E Y, Judge

¶1 Ada Fox appeals from an injunction against harassment entered in favor of Cynthia Brown. For the following reasons, we affirm the injunction.

FACTS AND PROCEDURAL BACKGROUND

¶12 Brown filed an amended petition for an injunction against harassment on September 24, 2009. She alleged that Fox, her husband's ex-wife, "committed a series of acts . . . which ha[d] seriously alarmed, annoyed, and harassed [her], with no legitimate purpose."

¶13 During the contested hearing, the trial court admitted into evidence a series of six exhibits over Fox's objection. Fox argued that it was improper to admit the exhibits because Brown had failed to disclose them prior to the hearing.

¶14 After the hearing, the court granted the injunction, and ordered that Fox have no contact with Brown except through attorneys, legal process, and court hearings; and that Fox not contact Brown's employer. Fox appeals, and we have jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") sections 12-2101(B) and (F)(2) (2003), and Arizona Rule of Protective Order Procedure 9(A)(2).

DISCUSSION

¶15 Fox contends on appeal that the trial court abused its discretion in admitting Brown's six exhibits during the pre-issuance hearing. She argues that Arizona Rule of Civil Procedure 26.1(a)(9) requires Brown to have disclosed the exhibits prior to the hearing. As noted during the hearing, however, Arizona Rule of Protective Order Procedure 5(B) states

that "[t]he disclosure requirements set forth in Rule 26.1 . . . do not apply to hearings on . . . Injunctions Against Harassment . . . unless otherwise specifically ordered by the court." Because the trial court did not specifically direct the parties to comply with the Rule 26.1 disclosure requirements, the court did not err in admitting the exhibits over Fox's objection.

¶16 Brown requests an award of costs on appeal. Pursuant to A.R.S. § 12-341 (2003), we grant her request for costs to be determined upon her compliance with Rule 21.

CONCLUSION

¶17 For the foregoing reasons, we affirm the injunction against harassment.

/s/

MAURICE PORTLEY, Judge

CONCURRING:

/s/

JOHN C. GEMMILL, Presiding Judge

/s/

PATRICIA K. NORRIS, Judge