

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



DIVISION ONE
FILED: 03/20/2012
RUTH A. WILLINGHAM,
CLERK
BY: DLL

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

GREGORY BEST, a single man,) No. 1 CA-CV 11-0178
)
Plaintiff/Appellant,) DEPARTMENT A
)
v.) **MEMORANDUM DECISION**
)
JOHN MIRANDA and DINA VARGAS) (Not for Publication -
MIRANDA, husband and wife,) Rule 28, Arizona Rules of
) Civil Appellate Procedure
Defendants/Appellees.)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CV2005-092817

The Honorable John R. Ditsworth, Judge

AFFIRMED

Gregory Best
Plaintiff/Appellant *in propria persona*

Phoenix

Law Offices of James B. Rolle
by James B. Rolle, III
Attorneys for Defendants/Appellees

Phoenix

T I M M E R, Judge

¶1 Gregory Best appeals from summary judgment entered in favor of Jose and Dina Vargas Miranda (the "Mirandas"). Best contends the court erred by interpreting an option contract for

the purchase of real property as requiring him to pay the full purchase price to exercise the option.

¶12 The pertinent terms of the option contract are identical to the option contract entered in between Best and Arturo Miranda, Jose's brother, which was the subject of this court's recent decision in *Best v. Miranda*, 1 CA-CV 10-0886, 2012 WL 868774 (Ariz. App. Mar. 15, 2012). The arguments asserted by Best in this appeal are the same as those raised and resolved in *Best*. Thus, Best is collaterally estopped from re-litigating these arguments in this appeal as he had a full and fair opportunity to litigate them through appeal in the case against Arturo Miranda. *Raimey v. Ditsworth*, 227 Ariz. 552, 557, ¶ 12, 261 P.3d 436, 441 (App. 2011) (holding homeowners association collaterally estopped from enforcing declarations against homeowners because declarations adjudicated invalid in prior suit against other homeowners); *Di Orio v. City of Scottsdale*, 2 Ariz. App. 329, 332, 408 P.2d 849, 852 (1965) ("It is generally accepted that a party who has had one fair and full opportunity to prove a claim in a court of competent jurisdiction and has failed to do so, should not be permitted to go to trial on the merits of that claim a second time."). Even assuming collateral estoppel principles do not apply, we reject Best's arguments for the reasons set forth in *Best*, 1 CA-CV 10-0886, 2012 WL 868774, at *2-3, ¶¶ 8-14.

¶13 We deny Best's request for an award of attorneys' fees on appeal because he did not prevail, and he represented himself. We award the Mirandas their costs upon compliance with Rule 21, Arizona Rules of Civil Appellate Procedure. See A.R.S. § 12-341 (2003).

CONCLUSION

¶14 For the foregoing reasons, we affirm.

/s/

Ann A. Scott Timmer, Judge

CONCURRING:

/s/

Maurice Portley, Presiding Judge

/s/

Andrew W. Gould, Judge