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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: 10/02/2012  
RUTH A. WILLINGHAM,  
CLERK  
BY: sls

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

ANTHONY CAMBONI, ) No. 1 CA-CV 11-0592  
)  
Plaintiff/Appellant, ) DEPARTMENT T  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
) Rule 28, Arizona Rules  
ALLSTATE INSURANCE COMPANY; ) of Civil Appellate  
PATRICK BARKER; JANE DOE BARKER; ) Procedure)  
THE PAT BARKER AGENCY; LAWRENCE )  
M. LAZZARA, JR., ESQ; JANE DOE )  
LAZZARA; JOY PARKER, ESQ; JOHN )  
DOE PARKER; PARKER AND LAZZARA, )  
PLLC; JAMI HEIDEN; JOHN DOE )  
HEIDEN; JOHN HAAS, ESQ; JANE DOE )  
HAAS; GARY LINDSAY; JANE DOE )  
LINDSAY, )  
)  
Defendants/Appellees. )  
\_\_\_\_\_ )

Appeal from the Superior Court in Maricopa County

Cause No. CV 2010-096833

The Honorable John R. Ditsworth, Judge

**AFFIRMED**

Anthony Camboni  
Plaintiff/Appellant *In Propria Persona*

Mesa

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**D O W N I E**, Judge

¶1 Anthony Camboni appeals the dismissal of his complaint against Allstate Insurance Company ("Allstate"), John Haas, and Gary Lindsey (collectively, the "Allstate Defendants"); Patrick Barker, Jami Heiden, and the Pat Barker Agency (the "Barker Defendants"); and attorneys Lawrence Lazzara, Joy Parker, and Parker & Lazzara, PLLC (the "Lazzara Defendants"). For the following reasons, we affirm.

**FACTS AND PROCEDURAL HISTORY**

¶2 In September 2000, Camboni was a passenger in a vehicle owned by his parents and insured by Geico that was rear-ended by a vehicle insured by Farmers. In February 2002, Camboni told his Allstate agent, Pat Barker, about the accident. Camboni retained legal counsel and settled with Farmers for its liability policy limits of \$50,000. Camboni then pursued arbitration with Geico regarding its \$100,000 underinsured motorist (UIM) coverage. The arbitrator valued Camboni's claim

at \$87,730.38, and because Camboni had already recovered \$50,000 from Farmers, he was awarded an additional \$37,730.38.

¶13 In July 2008, Camboni contacted the Barker Agency and made a UIM claim for the 2000 accident under his Allstate policy. Allstate gathered information but denied the claim because Camboni had been fully compensated for his injuries, the UIM arbitration decision was binding, the underlying insurance coverage had not been exhausted, and the statute of limitations had expired.

¶14 Camboni repeatedly contacted Allstate for information about his claim. He left multiple voicemail messages at the Barker agency that "escalat[ed] in tone and nature," and he also appeared at the office with a video camera. The Lazzara Defendants represented the Barker Defendants in obtaining an injunction against harassment that prohibited Camboni from being within half a mile of the Barker Defendants or their workplace ("justice court proceedings").

¶15 In August 2010, Camboni filed the instant litigation. The Barker Defendants moved for a more definite statement, arguing Camboni's complaint was "vague and convoluted" and failed to "differentiate the allegations between the named defendants." The superior court granted the motion. Camboni thereafter filed an amended complaint that expanded the term

"defendant" to include every named defendant in every enumerated claim.

¶16 Defendants moved to dismiss the complaint pursuant to Rule 12(b)(6), Arizona Rules of Civil Procedure ("Rule"). The court set oral argument, and Camboni requested a 30-day continuance to retain counsel "and/or assistance in navigating complexities associated with Arizona's Judicial System." Defendants did not object, and the court granted the motion. A week before the scheduled oral argument, Camboni requested another continuance because he had "not been successful in retaining Co-Counsel or assistance." Defendants objected, and the court denied the motion.

¶17 Camboni represented himself at the oral argument. At the conclusion of the hearing, the court granted the motion to dismiss and denied Camboni's "second motion" to amend.<sup>1</sup> Camboni timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") section 12-2101(A).

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<sup>1</sup> The record on appeal does not include a written "second motion" to amend, and Camboni has not provided a transcript of the oral argument, which would presumably reveal whether the court was referring to an oral motion to amend. See *Baker v. Baker*, 183 Ariz. 70, 73, 900 P.2d 764, 767 (App. 1995) (appellant responsible to ensure the record on appeal contains all necessary transcripts).

## DISCUSSION

¶18 As appellees correctly note, Camboni's opening brief fails to comply with the Arizona Rules of Civil Appellate Procedure ("ARCAP"). Even more significantly, with two arguable exceptions discussed *infra*, the only substantive legal arguments that Camboni makes on appeal relate to: (1) the generic standard for dismissing claims under Rule 12(b)(6); and (2) the law governing motions to amend. Camboni does not explain how these general legal tenets relate to his case or why the superior court erred in dismissing the substantive counts of his complaint.<sup>2</sup>

¶19 It is not this Court's responsibility to develop a party's argument. *Ace Auto. Products, Inc. v. Van Duyne*, 156 Ariz. 140, 143, 750 P.2d 898, 901 (App. 1987) (citations omitted). A party must present significant arguments, set forth his or her position on the issues raised, and include citations to relevant authorities, statutes, and portions of the record. See ARCAP 13(a)(6), (b)(1). The failure to present an argument in this manner may be treated as abandonment and a waiver of appellate issues. *State v. Moody*, 208 Ariz. 424, 452 n.9, 94

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<sup>2</sup> Arguing that "Camboni had good and sufficient grounds for the various causes of action against the Defendants" is insufficient. Similarly unavailing are conclusory statements such as: "Defendants have refused to follow the terms of contracts;" "Defendants have not acted in good faith;" and "Defendants have acted to purposely deceive Camboni."

P.3d 1119, 1147 n.9 (2004); see also *Schabel v. Deer Valley Unified Sch. Dist. No. 97*, 186 Ariz. 161, 167, 920 P.2d 41, 47 (App. 1996) (issues not clearly raised and argued in a party's appellate brief are waived). Litigants representing themselves *in propria persona* are entitled to no more consideration than if represented by counsel. They are held to the same level of knowledge regarding required procedures and applicable laws as are attorneys. See *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, 287, ¶ 15, 17 P.3d 790, 793 (App. 2000) (citations omitted); *Old Pueblo Plastic Surgery, P.C. v. Fields*, 146 Ariz. 178, 179, 704 P.2d 819, 820 (App. 1985).

¶10 Viewed generously, the opening brief can be read to pose substantive challenges to the dismissal of two categories of claims: (1) those predicated on the justice court proceedings; and (2) count 15 of the complaint, denominated "[e]xtortion, [c]oercion, [t]hreats." Although we could rightfully deem these arguments waived as well based on Camboni's failure to cite applicable legal authority, we will briefly address them.

¶11 Statements made in the justice court proceedings are absolutely privileged and cannot form the basis for a civil claim.<sup>3</sup> As the Arizona Supreme Court has explained:

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<sup>3</sup> Count ten of the complaint, alleging malicious prosecution, is also based on the justice court proceedings.

In the area of absolute privileges one of the most common is that involving the participant in judicial proceedings. The socially important interests promoted by the absolute privilege in this area include the fearless prosecution and defense of claims which leads to complete exposure of pertinent information for a tribunal's disposition. The privilege protects judges, parties, lawyers, witnesses and jurors. The defense is absolute in that the speaker's motive, purpose or reasonableness in uttering a false statement do not affect the defense.

*Green Acres Trust v. London*, 141 Ariz. 609, 613, 688 P.2d 617, 621 (1984); see also *Ashton-Blair v. Merrill*, 187 Ariz. 315, 317, 928 P.2d 1244, 1246 (App. 1996) (persons "making allegedly defamatory statements in connection with a judicial proceeding are protected 'so long as such statements bear some relationship to the proceeding'").

¶12 Count 15 of the complaint, denominated "[e]xtortion, [c]oercion, [t]hreats," alleges telephonic threats by the Lazzara Defendants that forced Camboni to block their calls and divorce his wife to protect her from "being a target of further harassment, coercion, extortion and threats." Extortion, though, is a criminal offense. See A.R.S. § 13-1804. And

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Such a claim requires proof that the appellees instituted a civil action that was motivated by malice, begun without probable cause, terminated in Camboni's favor, and damaged Camboni. See *Bradshaw v. State Farm Mut. Auto. Ins. Co.*, 157 Ariz. 411, 416-17, 758 P.2d 1313, 1318-19 (1988). The justice court proceedings, however, did not terminate in Camboni's favor.

"coercion" and "threats" are not recognized civil causes of action in Arizona.

¶13 Camboni was allowed to amend his complaint once, but he failed to make appropriate or meaningful changes. Because we have no transcript, we do not know the basis for Camboni's second request to amend or the theories and facts argued in the superior court. Without a transcript, we presume that the record would support that court's denial of the second motion to amend. *See Kohler v. Kohler*, 211 Ariz. 106, 108 n.1, ¶ 8, 118 P.3d 621, 623 n.1 (App. 2005).

¶14 Defendants request attorneys' fees, costs, and sanctions against Camboni pursuant to ARCAP 21 and 25. ARCAP 21 does not provide a substantive basis for a fee award. *Smyser v. City of Peoria*, 215 Ariz. 428, 442, ¶ 50, 160 P.3d 1186, 1200 (App. 2007) (citation omitted). We therefore deny their request pursuant to ARCAP 21.

¶15 ARCAP 25 allows us to impose sanctions when "a motion is frivolous or filed solely for the purpose of delay, or where any party has been guilty of an unreasonable infraction of these rules." The sanction may include the imposition of attorneys' fees or other "reasonable penalties or damages . . . as the circumstances of the case and the discouragement of like conduct in the future may require." ARCAP 25.



¶16 After answering briefs were submitted, Camboni filed numerous motions that required responses from Defendants. The motions included two requests to suspend the rules of civil appellate procedure and multiple demands for oral argument. One motion sought to "Strike Scandalous and Impertinent References," while another asked us to transfer the matter to the Arizona Supreme Court and "remove" Defendants' attorneys. In May 2012, a motions panel of the court entered an order prohibiting Camboni from filing additional motions ("May 2012 order").

¶17 After the May 2012 order, Defendants filed a joint motion for fees and sanctions. ARCAP 21(c) allows a request for fees to be made "in the briefs on appeal, or by written motion filed and served prior to oral argument or submission of the appeal." Defendants' requests are therefore timely.

¶18 In the exercise of our discretion, we grant Defendants' request in part, awarding them reasonable attorneys' fees incurred in responding to the motions filed by Camboni on or after December 17, 2011.<sup>4</sup> As the successful parties on appeal, Defendants are also entitled to recover their appellate costs. Both awards are subject to Defendants' compliance with ARCAP 21.

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<sup>4</sup> We decline to address Defendants' suggestion that Camboni "obtained a fraudulent divorce," in part because they cite no legal authority for their admittedly "uncommon" request.

**CONCLUSION**

¶19 The judgment of the superior court is affirmed.

/s/  
MARGARET H. DOWNIE, Judge

CONCURRING:

/s/  
ANN A. SCOTT TIMMER, Presiding Judge

/s/  
JOHN C. GEMMILL, Judge