

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

MARIE CLAIRE,
Plaintiff/Appellant,

v.

CHARLES CONTI,
Defendant/Appellee.

No. 1 CA-CV 21-0251
FILED 11-30-2021

Appeal from the Superior Court in Maricopa County
No. CV2021-090307
The Honorable Brian Kaiser, Judge *Pro Tempore*

AFFIRMED

APPEARANCES

Marie Claire, Phoenix
Plaintiff/Appellant

Miller Law Firm, PLLC, Scottsdale
By Shane Miller
Counsel for Defendant/Appellee

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MEMORANDUM DECISION

Judge David D. Weinzweig delivered the decision of the Court, in which Presiding Judge Peter B. Swann and Judge Paul J. McMurdie joined.

WEINZWEIG, Judge:

¶1 Marie Claire appeals the superior court’s dismissal of her injunction against harassment. We affirm.

FACTS AND PROCEDURAL BACKGROUND

¶2 Claire and Charles Conti were neighbors at an apartment complex in January 2021, when they got into a heated, public argument. Claire called 911 and the police responded to the complex, but officers made no arrests, issued no citations and filed no police report.

¶3 Claire filed for an injunction against harassment. A couple of months later, the superior court held an evidentiary hearing and heard testimony from four witnesses, including Claire, Conti, and two people who saw and heard the argument. Claire claimed that Conti hurled racial slurs and threats at her. Conti denied it. The people who witnessed the argument faulted both parties. Weighing the testimony, the court dismissed Claire’s injunction against harassment, finding she had not proven Conti engaged in a series of acts or conduct to warrant an injunction.

DISCUSSION

¶4 Claire raises two evidentiary arguments on appeal. She argues that the superior court should not have considered Conti’s testimony because he lied and the two other witnesses were biased. She also contends the court improperly excluded her testimony about a 2019 incident with Conti.

¶5 Claire waived her arguments on appeal because she offers no record citations or supporting legal authority. *See* ARCAP 13(a)(7)(A) (requiring an appellant’s opening brief to contain “citations of legal authorities and appropriate references to the portions of the record on which the appellant relies”); *Ritchie v. Krasner*, 221 Ariz. 288, 305, ¶ 62 (App. 2009) (noting failure to comply with ARCAP 13 “can constitute abandonment and waiver” of a claim).

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¶6 Even reaching the merits, however, her arguments still fail. We review the superior court's evidentiary decision for an abuse of discretion and will not disturb the decision if "supported by any reasonable evidence." *Lohmeier v. Hammer*, 214 Ariz. 57, 61, ¶ 7 (App. 2006) (citation omitted). The record has reasonable evidence to support the court's decisions.

CONCLUSION

¶7 We affirm.



AMY M. WOOD • Clerk of the Court
FILED: AA