

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



DIVISION ONE
FILED: 07-01-2010
PHILIP G. URRY, CLERK
BY: GH

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

JOHN HASTINGS,) 1 CA-CV 09-0500
)
Plaintiff/Appellant,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
PORTER ROCKWELL CARADINE,) Rule 28, Arizona Rules
) of Civil Appellate
Defendant/Appellee.) Procedure)
)
)
)

Appeal from the Superior Court in Maricopa County

Cause No. CV 2009-091816

The Honorable Kirby Kongable, Commissioner

AFFIRMED

John Hastings
Plaintiff/Appellant Pro Per

Mesa

I R V I N E, Judge

¶1 John Hastings ("Hastings") appeals from the trial court's order dismissing the Injunction Against Harassment against Porter Rockwell Caradine ("Caradine"). For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 On May 22, 2009, Hastings petitioned for an Injunction Against Harassment against Caradine. The petition alleged that Caradine sent Hastings four unsolicited and threatening emails. In reliance on the petition, the court entered an injunction, preliminarily enjoining Caradine from committing any act of harassment. At a subsequent hearing on the Injunction Against Harassment, Hastings sought to continue the injunction¹ and Caradine sought for it to be quashed. After hearing testimony from Hastings and Caradine, the court found that Hastings "failed to demonstrate by a preponderance of the evidence that [Caradine] committed acts of harassment" and dismissed the previously issued injunction. Hastings then filed multiple motions to reinstate the injunction and to change judges. The court denied the motions.

¶3 We have jurisdiction over this case pursuant to Arizona Revised Statutes section 12-2101(F)(2) (2003).

¹ Hastings also alleged that Caradine posted "false negative review[s]" of his company on the internet by using other people's names, including Hastings' fiancé's name. Hastings explained that Caradine must have actually posted the reviews because Caradine was the only person who knew his fiancé.

DISCUSSION

¶4 On appeal, Hastings argues that the court erred in quashing/dismissing the Injunction Against Harassment.² We review the trial court's decision to grant or deny an injunction for an abuse of discretion. *LaFaro v. Cahill*, 203 Ariz. 482, 485, ¶ 10, 56 P.3d 56, 59 (App. 2002). We are bound by the trial court's findings of fact unless clearly erroneous. *Flying Diamond Airpark, LLC v. Meienberg*, 215 Ariz. 44, 47, ¶ 9, 156 P.3d 1149, 1152 (App. 2007). Further, we view the evidence and all reasonable inferences in the light most favorable to sustaining the trial court's ruling. *Inch v. McPherson*, 176 Ariz. 132, 136, 859 P.2d 755, 759 (App. 1992).

¶5 Here, the email sent to Hastings stated in part:

I . . . have become aware of your libelous attacks and slander against our boss . . . and the company that pays our salaries.
. . . .

. . . .

I can tell you, that if the attacks continue . . . you will awaken a sleeping giant that will retaliate against your name and

² Hastings raises a number of additional issues relating to the court's dismissal of the Injunction Against Harassment, specifically that the court erred in: denying Hastings' requests for a continuance, discovery, objections, and other pleadings; failing to hold Caradine in contempt; and failing to issue "a blanket injunction against the entire company." Hastings has failed to develop these arguments as to how the trial court abused its discretion, and we therefore deem them waived. See *A Tumbling-T Ranches v. Flood Control Dist. of Maricopa County*, 222 Ariz. 515, 540-41, ¶ 85, 217 P.3d 1220, 1245-46 (App. 2009).

business 30 fold. We have damaging information that will be posted about your divorce . . . we will attack your Pay per Click ads on Google. . . .

We also will compile all this info that you have posted, print it out, and sent it to competitors, relatives (like your father in Gilbert), and church officials. If you don't believe us, then just keep up with your slander and hate, and I promise, you will get your reward!

So, I'm asking you to stop messing with my life, my family and my co-workers. You don't know us, but you will soon if it doesn't end now.

¶6 At the hearing on the injunction, Hastings testified he believed that Caradine sent the email because it contained Caradine's name in the address line. Hastings called Caradine a "stalker" because the email referenced Hastings' divorce, father, and the name of his new company. Caradine denied posting any fake online reviews and sending the email messages. He explained that his email account is available to approximately thirty people. At the conclusion of the hearing, the court stated it did not believe that Caradine sent the email and dismissed the injunction. After reviewing the evidence and the transcript of the hearing, we conclude that the trial court did not abuse its discretion in dismissing the Injunction Against Harassment.

CONCLUSION

¶7 For the foregoing reasons, we affirm. We deny Hastings' request for fees and costs.

/s/

PATRICK IRVINE, Judge

CONCURRING:

/s/

DIANE M. JOHNSEN, Presiding Judge

/s/

PHILIP HALL, Judge