

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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JOHN DANKO III,  
*Plaintiff/Appellant,*

*v.*

AMANDA STACIA CHUA,  
*Defendant/Appellee.*

No. 2 CA-CV 2024-0210  
Filed December 5, 2024

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
NOT FOR PUBLICATION  
*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).*

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Appeal from the Superior Court in Maricopa County  
No. CV2022091418  
The Honorable Krista M. Carman, Judge

**AFFIRMED**

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COUNSEL

John Danko III, Mesa  
*In Propria Persona*

Broening Oberg Woods & Wilson P.C., Phoenix  
By Donald Wilson Jr., Kelley M. Jancaitis, and Danielle N. Chronister  
*Counsel for Appellant*

DANKO v. CHUA  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Vásquez authored the decision of the Court, in which Presiding Judge O’Neil and Judge Kelly concurred.

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V Á S Q U E Z, Judge:

¶1 In this civil action, John Danko appeals from the superior court’s entry of judgment and award of attorney fees and costs in favor of Amanda Chua. We affirm.

**Factual and Procedural Background**

¶2 In September 2020, Danko retained Chua and her law firm to represent him in a lawsuit he wished to pursue against his former spouse. Chua eventually terminated her representation of Danko after she determined his cause of action was not viable. Chua’s law firm closed Danko’s file in March 2021.

¶3 In April 2022, Danko filed a lawsuit against Chua. The complaint alleged that Danko had hired Chua “to enforce assault, battery, violence, abuse, harassment, and intentional infliction of emotional distress committed against [him].” Danko stated that he had paid Chua for legal services, and she “simply took [his] money” but “provided absolutely no form of legal services or representation in exchange for the monies paid.” He further alleged that he “incurred permanent physical disability as a result of the violence and abuse suffered against [him]” and “[a]s a result, [Danko] suffered loss of wages, medical expenses, loss of enjoyment of life, emotional distress, humiliation, inconvenience, and anxiety.” He also alleged that Chua “knowingly and purposefully repeat[ed] numerous false statements and degrading insults” about Danko to “multiple parties and organizations.” Danko sought an award of damages, including \$233,368.20 for “personal injuries, loss of wages, medical expenses, legal expenses, loss of enjoyment of life, emotional distress, humiliation, inconvenience, and anxiety” resulting from Chua’s “breach of contract, bad faith, unfair dealing, fraud, negligence, misrepresentation, and harassment.”

¶4 Chua moved to dismiss for failure to state a claim under Rule 12(b)(6), Ariz. R. Civ. P., which the superior court granted “as to all [of Danko’s] claims . . . except for conversion, slander, fraud, negligence[,] and breach of contract.” The court also found that Danko’s breach of contract

DANKO v. CHUA  
Decision of the Court

and negligence claims required a preliminary expert opinion affidavit under A.R.S. § 12-2602, and ordered him to file one. After Danko failed to provide the expert affidavit, the court dismissed those claims.

¶5 In January 2024, Chua filed a motion for summary judgment on the remaining claims for conversion, slander, and fraud, arguing that “no reasonable juror could find in [Danko’s] favor.” The superior court granted the motion after “fully consider[ing]” the parties’ briefs and noting that neither party requested oral argument. The court entered final judgment and awarded Chua her reasonable attorney fees and costs. This appeal followed; we have jurisdiction under A.R.S. §§ 12-120.21(A)(1) and 12-2101(A)(1).<sup>1</sup>

**Discussion**

¶6 To the extent we understand his arguments on appeal, Danko contends the superior court erred by dismissing his causes of action for which he “supplied all the evidence and facts necessary to move forward with this case.” He maintains the court erred by (1) requiring a preliminary expert opinion affidavit under § 12-2602, because “expert opinions were not even necessary in this case”; (2) violating his due process rights by “deny[ing him] each and every court process,” including “but not limited to oral arguments, evidentiary hearings, discovery, subpoenas, disclosure, interviews, and examinations”; and (3) failing to rule on “numerous motions” before “issuing its order of dismissal.” However, Danko has failed to comply with the Arizona Rules of Civil Appellate Procedure to such an extent that he has waived his arguments on appeal.

¶7 An opening brief must contain an argument with “[a]ppellant’s contentions concerning each issue presented for review, with supporting reasons for each contention, and with citations of legal authorities and appropriate references to the portions of the record on which the appellant relies.” Ariz. R. Civ. App. P. 13(a)(7)(A). We generally decline to address arguments that are not meaningfully developed through proper citation to the record and supporting authority. *Ritchie v. Krasner*,

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<sup>1</sup>Danko filed several notices of appeal challenging the superior court’s dismissal of the negligence and breach of contract claims and the court’s grant of summary judgment before it entered final judgment. He also filed a notice of appeal from a non-appealable order. This court dismissed these appeals because they were either premature or because we lacked jurisdiction.

DANKO v. CHUA  
Decision of the Court

221 Ariz. 288, ¶ 62 (App. 2009). The factual assertions in Danko’s opening brief are not supported by citation to the record, nor does he cite to the portions of the record on which he relies to establish that the trial court erred. *See* Ariz. R. Civ. App. P. 13(a)(5), (7); *Ritchie*, 221 Ariz. 288, ¶ 62 (issues waived when party fails to support argument with citations to record). He also fails to articulate any clear arguments, and those we can comprehend are not developed beyond conclusory statements. *Modular Sys., Inc. v. Naisbitt*, 114 Ariz. 582, 587 (App. 1977) (issues waived when party “fail[s] to state with any particularity why or how the trial court erred in making these rulings and simply concludes that error was committed”). And although he lists case names, rules, and statutes in a “table of citations,” they are not cited elsewhere in support of any meaningful argument. *See* Ariz. R. Civ. App. P. 13(a)(7); *Ritchie*, 221 Ariz. 288, ¶ 62 (issues waived when party fails to support argument with citations to authorities). Despite Danko’s status as a self-represented litigant, we hold him to the same standards as an attorney. *See Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, ¶ 16 (App. 2000); *Higgins v. Higgins*, 194 Ariz. 266, ¶ 12 (App. 1999). Accordingly, in the absence of a properly developed argument, Danko has waived appellate review. *See Sholes v. Fernando*, 228 Ariz. 455, ¶ 16 (App. 2011).

**Disposition**

¶8           For the foregoing reasons, we affirm.