

## **Appendix of Record**

Supreme Court state of Arizona  
July 22, 2024, denied Petition to Vacate,  
denied Petition for Review.

Arizona Court of Appeals Division Two  
February 7, 2024, denied to accept jurisdiction for  
Petition for special Action.

Pinal County Superior Court  
Case No. S1100JD201700116  
Order 11/22/2023 lack of jurisdiction  
Order 10/06/2023 denied signed order  
Order 08/30/2023 Internal Review  
Unsigned Order 08/23/2023 denied vacate

Superior Court Of Arizona Maricopa County Case  
No. LC2017-00316-001 Order 10/23/2017 Decision  
*"Devoid of competent evidence!"*, "Reverse and  
Remand"(ID 172 pg. 54-61, 1/11/2023)

July 22, 2024 ANN A SCOTTIMER  
Chief Justice

SUPREME COURT STATE OF ARIZONA  
RE: RICHARD R. et al v HON. WASHBURN/DCS  
Arizona Supreme Court. No. CV-24-0052--PR  
Court of Appeals, Division Two No. 2 CA-SA  
24-0007 Pima County Superior. Court No.  
S1100JD201700116

GREETINGS: The following action was taken by the Supreme Court of the State of Arizona on July 22, 2024, in regard to the above-referenced cause: ORDERED: Motion to File Petition to Vacate Exceeding Word Limit due to Complexity of Fraud. on Case = DENIED.FURTHER ORDERED: Petition to Vacate Void Judgements per Rule 60 (b) - (d) and 60(d)(3), Based on Fraud and Insufficient Service of Process = DENIED.FURTHER, ORDERED: Petition for Review Request En Banc Review = DENIED.A panel composed of Chief Justice Timmer, Vice Chief Justice Lopez, Justice Beene and Justice Kiflg participated in the determination of this matter

Court of appeals FEB 7 2024  
STATE OF ARIZONA DIVISION TWO O R D E R  
2 CA-SA 2024-0007 Department A Pinal County Cause  
No. S1100-JD2012001

RE: RICHARD R.; MARCELLA R. & GELLIANA  
D.R. v. HON. WASHBURN Pursuant to PETITION  
FOR SPECIAL ACTION, ORDERED: The Court  
declines to accept jurisdiction. Judges Sklar and  
O'Neil concurring. DATED: February 07, 2024

is/  
Christopher P.  
Staring Presiding  
Judge

IN THE SUPERIOR COURT PINAL, COUNTY,  
STATE OF ARIZONA Date: 11/22/2023

S1100JD201700116

NOTICE RE: RECENT PLEADINGS; APPELLATE  
PROCEEDINGS: LACK OF JURISDICTION  
HONORABLE DELIA R NEAL

IN THE MATTER OF MARCELLA RYNN

The Court last issued an order in this matter on October 6, 2023 after the Court of Appeals re vested jurisdiction with this court. Very shortly after that order was issued, the father in the long-dismissed dependency matter, Richard Flynn, filed several pleadings with this Court under the Juvenile Dependency case number. Then, on October 18, 2023, Mr. Rynn filed a Notice of Appeal and on October 27, 2023 this court was notified that the court of appeals had taken jurisdiction of the matter. This court does not have jurisdiction over matters that are on appeal and, thus, will not issue any ruling or order until such time as a mandate is issued and jurisdiction is re-vested with the trial court. It should be noted, however, that regardless of the outcome of the appeal, *the Juvenile court's jurisdiction over a matter terminates upon the minor's 18<sup>th</sup> birthday or upon the dependency matter being dismissed.* In this case, both of those events occurred over five years ago and, therefore, the Pinal County Juvenile Court no longer has jurisdiction over this matter.

Nothing Further

IN THE SUPERIOR COURT PINAL COUNTY,  
STATE OF ARIZONA Date: 10/06/2023  
HONORABLE DELIA R NEAL

IN THE MATTER OF MARCELLA RYNN  
S1100JID2617001-16 ORDER RE: MOTION FOR A  
SIGNED ORDER This motion arises out of a long-  
terminated juvenile case wherein the child in question  
attained the age of majority November 15, 2016.  
However, Father, Richard Rynn, has continued to  
litigate a number of issues since the case was dismissed  
on October 9, 2018. The post-dismissal litigation began  
in June of 2021, almost three years, after the case was  
dismissed and it is unclear why Mr Rynn began his  
campaign, or what he is trying to achieve. This Court  
feels Compelled to reiterate that it no longer has  
jurisdiction over the Juvenile Dependency matter  
involving Marcella Rynn as the case has been  
dismissed. The most recent motion from Mr. Rynn  
seems to be related to a June 22, 2023 "Motion to  
Vacate Exhibit A" This Court summarily dismissed  
that motion with a short, unsigned minute entry. Mr  
Rynn appealed this Court's order, and, while the  
appeal was pending, submitted the current motion for a  
signed order. The Court has received a Mandate from  
the Court of Appeals transferring jurisdiction of the  
matter back to this court and, thus, this Court can now  
rule on Mr. Rynn's motion. It should be noted that  
although the Motion for a Signed Order is dated, July  
29, 2023, it was not filed with the Clerk of Superior  
Court until August 14, 2022.  
IT IS THEREFORE ORDERED DENYING the  
Motion for a Signed Order, and IS FURTHER  
ORDERED signing this as a formal order of this  
Court.



Honorable Delia H. Neal  
JUDGE OF THE SUPERIOR COURT

IN THE. SUPERIOR COURT  
PINAL COUNTY, STATE OF ARIZONA 8/302023  
HONORABLE DELIA R NEAL IN THE MATTER  
OF MARCELLA RYNN ORDER RE: MOTION FOR  
A SIGNED ORDER; DENIAL.

The Court has received a motion from Richard Rynn, who was the Father in the underlying and dismissed juvenile dependency case, requesting that the Court produce a signed order. Although the motion bears a signature date of July 29, 2023. it was not filed until August 14, 7023. The Court had previously issued an unsigned order on June 23. 2023 in response to another motion from Mr Rynn in July and Mr. Rynn promptly appealed that order. Although it appears the Court of Appeals has dismissed the appeal, this Court has not yet received the mandate that would transfer jurisdiction back to the trial court. Once the mandate is received. the Court will review Mr Rynn's motion. IT IS THEREFORE ORDERED setting this matter for an Internal Review September 30, 2023. This is a file review only; no parties need appear. IT IS FURTHER ORDERED signing this ruling as a formal order of this Court.

  
PROOF READ - 2023-08-30 10:45:20-0700

Honorable Delia R. Neal  
JUDGE OF THE SUPERIOR COURT  
IN THE SUPERIOR COURT  
FINAL COUNTY, STATE OF ARIZONA Delia O Neal  
IN THE MATTER OF: RYNN  
ORDER RE: MOTION TO VACATE EXHIBIT A  
The Court havint;; received and reviewed the  
Petitioners Motion To Vacate Exhibit A", IT IS  
HEREBY ORDERED DENYING the motion

SUPERIOR COURT OF ARIZONA MARICOPA  
COUNTY LC2017-000316-001 DT 10/23/2017  
CLERK OF THE COURT COMMISSIONER MYRA  
HARRIS T. DeRaddo  
QUAIL RUN BEHAVIORAL HEALTH HOSPITAL  
v.  
RICHARD RYNN  
GLENDALE MUNICIPAL COURT REMAND DESK-  
LCA-CCC HIGHER COURT RULING/REMAND  
Lower Court Case No. CV 20170109585  
Defendant-Appellant Richard Ryan (Defendant)  
appeals the Glendale Municipal Court's determination  
that sustained Plaintiff-Appellee's Quail Run  
Behavioral Health Hospital (Plaintiff) Injunction  
Against Workplace Harassment (IAWLE). Defendant  
contends the trial court erred. For the reasons stated  
below, the Court reverses the trial court's judgment.  
I. FACTUAL BACKGROUND.

Plaintiff filed a Petition for an (IAWH) and claimed Defendant told his wife—who then told her sister—that Defendant was planning to kill the staff at the hospital and that Candy Zammit, an employee, was "t 1" on his list. Plaintiff alleged Defendant's wife asked her sister—Nancy Ortiz----to notify the hospital and the hospital's agent—David Carnahan—spoke with Ms. Ortiz. Mr. Carnahan asserted Ms. Ortiz related that Defendant's wife was afraid to call the hospital because (1) she was scared of Defendant; and (2) the parties have two other children in the home. Mr. Carnahan) stated Defendant apparently blamed the hospital because DES removed Defendant's 16-year-old daughter from Defendant's custody. Mr. Carnahan maintained he filed a report with the Phoenix Police Department.

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dant's 16-year-old daughter from Defendant's custody. Mr. Carnahan maintained he filed a report with the Phoenix Police Department.

Defendant requested a contested hearing and claimed the information in the Petition was false. The trial court set the hearing for May 8, 2017. Neither Plaintiff nor Defendant appeared for the hearing. The trial court sustained the IAWH. The only comment in the trial court file is that the order was kept in effect due to "the nature of event,"

Defendant filed a timely appeal<sup>1</sup> Plaintiff failed to file a responsive memorandum. This Court has jurisdiction pursuant to ARIZONA CONSTITUTION Art. 6, § 16, and A.R.S. § 12-124(A).

**IL Issue Did THE TRIAL COURT ABUSE ITS DISCRETION WHEN IT SLISTAINED The**

**IAWH, Standard of Review**

Appellate courts review the trial court's granting—or continuing—a protective order<sup>2</sup> under a clear abuse of discretion standard. We review orders granting

injunctions under a clear abuse of discretion standard, *Ariz. DepT of Pub Safety v. Superior Court*, 190 Ariz. 490, 494, 949 P.2d 983, 987 (App. 1997). The misapplication of the law to undisputed facts is an example of an abuse of discretion. *Id.* (citing *City of Phoenix v. Superior Court (Laidlaw Waste Sys)*, 158 Ariz. 214, 217, 762 P.2d 128, 131 (Ct. App. 1988)). Defendant failed to comply with Superior Court Rules of Appellate Procedure—Civil, (SCR AP—Civ.) Rule 8(a)(3) in that he failed to (1) provide a concise argument; (2) provide legal authority; and (3) cite to the record. When a litigant fails to include citations to the record in an appellate brief, the court may disregard that party's unsupported factual narrative and draw the facts from the opposing party's properly-documented brief and the record on appeal. *Arizona D.E.S. v. Redlon*, 215 Ariz. 13, 156 P.3d 430 2 (Ct. App. 2007). Allegations that do not have specific references to the record do not warrant consideration on appeal absent fundamental error, *State v. Coolaa*, 115 Ariz. 99, 104, 50 P.2d 898, 903 (1977), which is rarely found in civil cases. *Monica C v. Arizona D.L.S.*, 211 Ariz. 89, 118 P.3d 371 23-25 (Ct. App. 2005). However, SCRAP—Civ., Rule 2, allows this Court to (1) suspend the requirements of these rules in a particular proceeding and (2) construe the rules liberally in the interests of justice. Accordingly, this Court waives strict compliance with SCRAP—Civ. Rule 8(a)(3) and will address those issues which this Court is able to identify. However, waiving compliance does not necessarily equate to success. This Court is "not required to assume the duties of an advocate and search voluminous records and exhibits" or to "substantiate a party's claim" *Adams v. Valley National Bank*, 139 Ariz. 340, 343, 678 P.2d 525, 528 (Ct. App. 1984).

Furthermore, merely mentioning a claim is insufficient. "In Arizona, opening briefs must present significant arguments, supported by authority, setting forth an appellant's position on the issues raised. Failure to argue a claim usually constitutes abandonment and waiver of that claim." *State v. Carver*, 160 Ariz. 167, 175, 771 P.2d 1382, 1390 (1989), Plaintiff also failed to comply with Superior Court Rules of Appellate Procedure—Civil, (SCRAP—Civ.) Rule 14(a)(3) in that it failed to provide a concise argument; legal authority; and failed to cite to the record. The remainder of footnote I applies equally<sup>2</sup> to Plaintiff.

<sup>2</sup> A protective order includes an Order of Protection (OOP) as well as an 1A11 and an IAWIL. See ARPOP, Rule 4. Docket Code 513 Form L000 Page 2

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*LaFaro v. Cahill*, 203 Ariz. 482, 56 P.3d 56 ¶ 10 (Ct. App. 2002). Appellate courts accord great deference to the trial court's determination. In *Cardoso v. Soklo*, 230 Ariz. 614, 277 P.3d 811 ¶ 17 (Ct. App. 2012) the Arizona Court of Appeals referenced *Goats v. AI Bayless Mktg., Inc.*, 14 Ariz. App. 166, 169-71, 481 P.2d 536, 539-41 (1971) and cited the "(superior court is in the best position to judge credibility of witnesses and resolve conflicting evidence, and an appellate court generally defers to its findings unless there has been an abuse of judicial discretion. In addition, the appellate court: views the evidence in the light most favorable to upholding the trial court's decision. *Mahar v. Acuna*," 230 Ariz. 530, 287 P.3d 824, ¶ 2 (Ct. App. 2012)

Abuse of Discretion in reviewing a case for an abuse of discretion, this Court must determine if there was sufficient evidence tier the trial court's determination. The appellate court must not re-weigh the evidence to see if it would reach the same conclusion as the original trier-of-fact. *State v. Guerra*, 161 Ariz. 289, 293, 778 P.2d 1185, 1189 (1989). instead, the appellate court must find if the trial court could find sufficient evidence to support its decision.

Where this Court reviews the trial court's actions based on an abuse of discretion standard, this Court will not change or revise the trial court's determination if there is a reasonable basis for the order. A court abuses its discretion when there is no evidence supporting the court's conclusion or the court's reasons are untenable, legally incorrect, or amount to a denial of justice. *Charles L Friedman, P.C. v. Microsoft Corp.*, 213 Ariz. 344, 141 P.3d 824 ¶ 17 (Ct. App. 2006). A trial court abuses its discretion if it makes decisions unsupported by facts or sound legal policy. As our Supreme Court of Arizona stated:

In exercising its discretion, the trial court is not authorized to act arbitrarily or inequitably, nor to make decisions unsupported by facts or sound legal policy. . . . Neither does discretion leave a court free to misapply law or legal principle.

*City of Phoenix v Geyler*, 144 Ariz. 323, 328-29, 697 P.2d 1073, 1078-79 (1985) (citations omitted). In this case, there is a dearth of facts because neither Plaintiff nor Defendant appeared for the contested hearing. The trial court heard no evidence. Consequently, the issue is whether the trial court should have affirmed the IAWII in the absence of any evidence other than the fact that Plaintiff obtained an ex parte order.

**The Failure of All Parties To Appear At The Contested Hearing.**

As stated, the legal standard for the review of a protective order is the appellate court views the evidence in the light most favorable to upholding the trial court's decision. Because the trial court issued the ex parte Order, this Court presumes the trial court found a basis for the initial Order.

Defendant failed to provide this court with a transcript of ex parte hearing. According to the May 25, 2017, letter the trial court sent to Defendant, there was no recording for the May 8, Docket Code 513

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2017, "contested" hearing. The procedures to be used in appealing an IAWH issued by a municipal court are the same as those used for an appeal from a protective order issued by a Justice Court and are set forth in A.R.S. § 22-261<sup>3</sup> and § 22-425.<sup>4</sup> The requirements for the record on appeal to the Superior Court are governed by the Superior Court Rules of Appellate Procedure—Civil (SCRAP—Civ.), Rule 7. Although Defendant was not required to provide the hearing transcript for the ex parte hearing, SCRAP—Civ. Rule 7(b)(10), in the absence of the transcript or specific references to the transcript as mandated by SCRAP—Civ. Rule 8(a)(3), this Court has little basis with which to evaluate the evidence presented to the trial court prior to the trial court's ex parte decision. However, as our Supreme Court stated, when an appellate court is faced with an incomplete record, a reviewing court must assume any evidence not available on appeal supported the trial court's action. *State v. Print*., 125 Ariz. 300, 609 P.2d 570 (1980); *Bliss v. Treece*, 134 Ariz. 516, 519, 658 P.2d 169, 172 (1983).

Defendant's failure to appear at the scheduled contested hearing resulted in serious consequences. Defendant was only entitled to a single hearing, ARPOP, Rule 38(a) provides: At any time while a protective order or a modified protective order is in effect, a defendant may request one hearing in writing. (Emphasis added.) in addition, A.R.S. § 12-1810(G) states: G. If the court issues an ex parte injunction pursuant to this section, the injunction shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office in

which the request may be filed. At any time during the period that the injunction is in effect, the

A.R.S. § 22-261 states:

- A. Any party to a final judgment of a justice court may appeal to the superior court.
- B. The party aggrieved by a judgment in any action in which the validity of a tax, impost, assessment, toll or a statute of the state is involved may appeal to the superior court without regard to the amount in controversy.
- C. An appeal shall be on the record of the proceedings if such record includes a transcript of the proceedings. De 110V0 trials shall be granted only when the transcript of the proceedings in the superior court's evaluation is insufficient or in such a condition that the court cannot properly consider the appeal. A trial de nova shall not be granted when a party had the opportunity to request that a transcript of the lower court proceedings be made and failed to do so. At the beginning of each proceeding the judge shall advise the parties that their right to appeal is dependent on their requesting that a record be made of the justice court proceedings. Any party to an action may request that the proceedings be recorded for appeal purposes. The cost of recording trial proceedings is the responsibility of the court. The cost of preparing a transcript, if appealed, is the responsibility of the party appealing the case. The supreme court shall establish by rule the methods of recording trial proceedings for record appeals to the superior court, including electronic recording devices or manual transcription

Ariz. Rev. Stat. Ann. \* 22425(B) states:

hither party may appeal from a municipal court to the superior court in the same manner as appeals are allowed from justice courts.

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defendant may request a hearing. The court shall hold the hearing within► ten days after she date of the written request unless the court finds compelling reasons to continue the hearing. The hearing shall be held at the earliest possible time. After the heeling. the court may modify, quash or continue the injunction

(Emphasis added.) Thus, this Court has no basis for ordering a second hearing. Defendant did not provide any reason for his failure to appear. Rule 38, ARPOP, governs contested hearings. However, while Rule 38 addresses the standard of proof, the ARPOP do not include any provisions for the situation presented by this case---where both parties failed to appear fir the scheduled contested hearing. A review of ARPOP Rule 38 reveals Rule 38(c) requires Plaintiff to be notified about the hearing. The trial court record reflects the trial court complied and (1) mailed notice of the hearing to the Plaintiff; and (.2) personally provided notice of the hearing to the Defendant informing both parties the hearing was set for 3:00 PM on May 8, 2017.

When a party fails to appear at a scheduled hearing, that party waives—gives up—the right to contest the matter at hand *Monica C. v. Arizona Dept of Econ. Sec.*, 211 Ariz. 89, 118 P.3d 37 ¶ 9 (Ct. App. 2005). in describing the need. to appear at a scheduled arbitration hearing, our Court of Appeals stated:

Specifically, we agree that when a party to an accident contests liability and has relevant first-hand 'testimony to offer on the subject, that party must make himself available fir cross-examination at the arbitration hearing, unless mutually satisfactory alternative arrangements have been made. A failure to do so can

reasonably be regarded as a failure to appear and participate in the hearing.

*Sabori v. Kuhn*, 199 Ariz. 330, 18 P.3d 124 119 (Ct. App. 2.001). While an arbitration hearing is not identical to a contested protective order hearing, the rationale is the same and the A.R.C.P. provides some guidance--particularly because the ARPOP adopted both the Arizona Rules of Family Law Procedure (ARFLP) and the Arizona Rules of Civil Procedure (A.R.C.P) where these rules are not inconsistent with the ARPOP. Rule 2, ARPOP states--in relevant part: In all other cases, the Arizona Rules of Civil Procedure apply when not inconsistent with these rules. Based on the above, Defendant may have waived his right to contest the Plaintiff also failed to appear for the contested hearing. However, Plaintiff was not obliged to respond to the appeal--SCRAP--Ci v. Rule 80)(1 }--and it was not a confession of error if Plaintiff to fail to respond.

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This does not fully resolve the issue. While the underlying rationale may be the same, arbitrations are not the same as protective orders. Unlike arbitrations, protective orders carry collateral consequences which militate against just adopting standards used in arbitration cases.

Once a contested hearing is requested, the plaintiff has the burden of proving the need for the protective order. ARPOP, Rule 38(g) specifically provides that for a protective order to remain in effect as originally issued—or as modified at a hearing—the plaintiff must prove the case by a preponderance of the evidence. Because Plaintiff also missed the hearing, Plaintiff failed to comply with this Rule and failed to prove the case by a preponderance of the evidence. The trial court file reflects the trial court determined the Plaintiff's burden was met by the "nature of event". The trial court file does not indicate how or why the trial court arrived at this conclusion since the trial court held no hearing. ARPOP Rule 38(h) requires the judicial officer to state the basis for continuing the protective order. This Court understands the trial court might have been persuaded by the allegation that Defendant intended to kill an employee. However, this Court notes that although the Petition stated the Defendant was planning to kill staff at the Plaintiff hospital, the ex parte IAWH Order did not include any order restricting Defendant from possessing firearms.<sup>6</sup>

There is little law dealing with this situation. The Court of Appeals addressed the situation of a missed hearing in a memorandum decision, *Barraza v. Warfield*, No. I CA-CV 164)362, 2017 WL 1882336, at \*1 (Ct. App. May 9, 2017): *BaMIZU* involved a defendant who requested a contested protective order hearing at the Justice Court but failed to appear on time. The justice court sustained the protective order.

The Court of Appeals did not indicate if the plaintiff in *Barraza* also failed to appear at the contested hearing. Thereafter, the Superior Court conducted a new hearing and heard testimony from the plaintiff that substantiated the plaintiff's allegations. The Superior Court sustained the IAH and Mr. Warileld appealed. The Court of Appeals decided that reversal of the IAH was warranted under the clear abuse of discretion standard because the record was "devoid of competent evidence to support the decision". The Court of Appeals stated:

We review the superior court's entry and continuation of the injunction against harassment for a clear abuse of discretion. *See LaPare v. Cahill*, 203 Ariz. 482, 485, ¶ 10 (App. 2002). Reversal is warranted under this standard "when the record, viewed in the light most favorable to upholding the trial court's decision, is devoid of competent evidence to support the decision." *Mahar v. Acuna*, 230 Ariz. 530, 534, ¶ 14 (App. 2012) (citation omitted). We similarly review for an abuse of discretion the court's denial of (1) Warfield's motion for new trial in which he asserted that the decision was not supported by the evidence<sup>4</sup> ART'Oi', Rule 260) and A.R.S. § 12-1810(2) allow the trial court to grant relief that is necessary for the protection of the plaintiff's employees or other persons who enter the employer's property and that is proper under the circumstances.<sup>7</sup> Rule 111(c) of the Arizona Rules of the Supreme Court provides for the citing of memorandum decisions issued after Jan. 1, 2016, for persuasive value if no opinion adequately addressed the issue before the court.

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and (2) Warfield's request for relief from judgment; based on his claim of substantial injustice. See *Style.s. t7. Ceranski*, 185 Ariz. 448, 450 (App, 1996); *Skydive Arizona, Inc. v. Hogue*, 238 Ariz. 357, 364,1124 (App. 2015).

*Barrazei v. Warfield, id., al* \*2 (emphasis added). The Court of Appeals determined that although the defendant—in *Barraza*—argued there was no evidence other than the Plaintiffs unsubstantiated allegations, the Superior Court heard testimony at the hearing it held and this testimony supported the Superior Court's decision. In the case before this Court, the trial court did not have any testimony from anyone and, consequently, the trial court had no evidentiary basis for determining Plaintiff met its burden of proof. In sustaining the Superior Court's decision in *Barrad*, the Court of Appeals determined the record provided an adequate basis for the Superior Court's decision. In the current case, the trial court did not make any finding about an adequate basis for sustaining the Order. In order to resolve the problem posed by this this Court must balance (1) the standard of review of a protective order case; against (2) the clear language of ARPOP, Rule 38(g) requiring the Plaintiff to prove the need for a protective order by a preponderance of the evidence when the Defendant contests the ex parte order. The language of the Plaintiff's Petition indicated the IAWII was based on double hearsay. Plaintiff did not provide any evidence showing how or why the statements allegedly from the sister of Defendant's wife—who did not hear the

statements from Defendant—should have been granted credence by the trial court.<sup>8</sup> Protective orders can have collateral consequences. Our Court of Appeals in *Cardoso v. Soldo*, 230 Ariz. 614, 277 P.3d 811 ¶ 12 (Ariz. Ct. App. 2012) commented on the collateral consequences of a protective order and stated:

Further, because an order of protection is issued for the purpose of restraining acts included in domestic violence, its very issuance can significantly harm the defendant's reputation---a collateral consequence that can have lasting prejudice. Accordingly, courts throughout the United States have recognized expired orders of protection are not moot because of their ongoing reputational harm and stigma. As explained by the Supreme Court of Connecticut, the "threat of reputation harm is particularly significant in this context because domestic violence restraining orders will not issue in the absence of the showing of a threat of violence... [and] being the subject of a court order intended to prevent or stop domestic violence -may well cause harm to the reputation and legal record of the defendant." Our Court of Appeals also held:<sup>9</sup> Plaintiff's ex parte order was based on Plaintiff's allegations that Ms. Ortiz—the sister—reported statements that were allegedly made by Defendant to Defendant's wife.

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It is well settled that the issuance of an order of protection is a very serious matter. See, e.g., *Cardoso*, 230 Ariz. at 619, ¶ 14, 277 P.3d at 816, Once issued, an order of protection carries with it an array of "collateral legal and reputational consequences" that last beyond the order's expiration. Id. Therefore, granting an order of protection when the allegations fail to include a statutorily enumerated offense constitutes error by the court.. See A.R.S. § 13-3601 (Supp.2013) (listing offenses that justify issuance of an order of protection). *Sawn, v. Morton*, 235 Ariz. 256, 330 P.3d 1013 1111 (Ct. App. 2014). Because (1) the ex parte IAWH was based on statements that were completely unverified; (2) Plaintiff did not meet the requirements of ARPOP, Rule 38(g); (3) protective orders have collateral consequences; (4) the trial court provided no underlying basis for continuing the protective order as required by ARPOP, Rule 38(h); and (5) the only reason proffered was "the nature of event", this Court finds the trial court erred by sustaining the IAWH.

CONCLUSION.

Based on the foregoing, this Court concludes the Glendale Municipal Court erred.

**IT IS THEREFORE ORDERED** reversing the judgment of the Glendale Municipal Court,

**IT IS FURTHER ORDERED** remanding this matter to the Glendale Municipal Court for all further appropriate proceedings.

**IT IS FURTHER ORDERED** signing this minute entry as a formal Order of the Court, *A/ Mutt 112, 7:4*  
THE HON. MYRA HARRIS

Judicial Officer of the Superior Court

