

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

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STEFANIE LANIER,  
*Plaintiff/Appellee,*

*v.*

SARAH CLARK,  
*Defendant/Appellant.*

No. 2 CA-CV 2013-0138  
Filed January 30, 2014

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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NOT FOR PUBLICATION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); Ariz. R. Civ. App. P. 28(c).*

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Appeal from the Superior Court in Pima County  
No. C20133160  
The Honorable Leslie Miller, Judge

**DISMISSED**

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COUNSEL

Sarah Clark, Tucson  
*In Propria Persona*

LANIER v. CLARK  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Miller authored the decision of the Court, in which Presiding Judge Vásquez and Chief Judge Howard concurred.

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MILLER, Judge:

¶1 This appeal arises from an injunction against harassment issued against Sarah Clark and in favor of Stefanie Lanier by the Tucson City Court. Clark appeals the Pima County Superior Court’s order affirming the injunction. Because we lack jurisdiction, we dismiss the appeal.

**Factual and Procedural Background**

¶2 The record reflects the following procedural history. Lanier, the owner of a dog rescue organization, initially petitioned ex parte for an injunction in Pima County Superior Court, claiming she was being harassed by Clark due to a dispute over fostering a rescue dog and her puppies. The trial court granted the injunction, which required that Clark not make contact with Lanier. Clark requested a hearing on the matter, and the case was transferred to Tucson City Court. After the hearing, the city court modified the injunction, ordering Clark not to “flag [Lanier’s] Craig[]slist postings . . . post about Lanier or her business on Craig[]slist, Facebook or other social media . . . [or] direct third parties to do any of these actions.” Clark appealed to Pima County Superior Court pursuant to A.R.S. § 12-1809(O), and the court affirmed.

¶3 Clark now appeals the superior court’s decision affirming the city court’s modification of the injunction.<sup>1</sup> Clark

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<sup>1</sup>The initial injunction was served on January 25, 2013, and expired one year from the date of service. See A.R.S. § 12-1809(J) (injunction against harassment expires one year after service of initial injunction, even if modified). Although this appeal is

LANIER v. CLARK  
Decision of the Court

argues appellate jurisdiction pursuant to A.R.S. § 12-2101(A)(1), (A)(5)(b), and (B). We have an independent duty to confirm our jurisdiction over an appeal before reaching the merits. *See Grand v. Nacchio*, 214 Ariz. 9, ¶ 12, 147 P.3d 763, 769 (App. 2006). Without jurisdiction, we have no authority to act. *See State v. Bayardi*, 230 Ariz. 195, ¶ 6, 281 P.3d 1063, 1065 (App. 2012) (“If we decide a case beyond our statutory jurisdiction, the decision is of no force and effect.”).

**Discussion**

¶4 This court has jurisdiction only of actions “originating in or permitted by law to be appealed from the superior court.” A.R.S. § 12-120.21(A)(1). Although A.R.S. § 12-2101(A)(1) grants us jurisdiction over appeals “[f]rom a final judgment entered in an action . . . brought into a superior court,” that language “refers to cases transferred or brought into superior court by some process other than appeal.”<sup>2</sup> *Sanders v. Moore*, 117 Ariz. 527, 528, 573 P.2d 927, 928 (App. 1977). Further, there is no provision in the harassment injunction statute providing for direct appeal of the superior court’s order. *See* A.R.S. § 12-1809(O); *see also* Ariz. R. Prot. Order Proc. 9(A)(2) and (B) (injunction against harassment issued by limited jurisdiction court appealable to superior court). Rule 14(b) of the Superior Court Rules of Civil Appellate Procedure also prohibits any appeal “from a final decision or order of the superior court [on review of a judgment by a municipal court], except where the action involves the validity of a tax, impost, assessment, toll, statute or municipal ordinance.” *See also* Ariz. Const. art. VI, § 5(3) (granting supreme court appellate jurisdiction over cases originating in courts

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arguably moot, we do not address that issue because we dismiss due to lack of jurisdiction.

<sup>2</sup>Clark’s references to A.R.S. § 12-2101(A)(5)(b) and (B) are also unavailing. Section 12-2101(A)(5)(b) allows appeals from an order “[g]ranting or dissolving an injunction,” but the superior court did not grant the injunction, it only affirmed it on appeal. Section 12-2101(B) merely states that an order rendered by a judge is appealable as if rendered by the court.

LANIER v. CLARK  
Decision of the Court

not of record only if they “involve[] the validity of a tax, impost, assessment, toll, statute or municipal ordinance”). When, as in this case, an appeal from an action originating in a city court does not fit into one of the listed exceptions, we have no jurisdiction over the appeal. *See Sanders*, 117 Ariz. at 528, 573 P.2d at 928; *see also Roubos v. Miller*, 213 Ariz. 36, ¶ 2, 138 P.3d 735, 736 (App. 2006) (noting no direct appeal available from superior court’s review of Tucson City Court decision).

**Disposition**

¶5 For the foregoing reasons, we dismiss the appeal.