

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

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ARAYA WOLDE-GIORGIS,  
*Plaintiff/Appellant,*

*v.*

SCOTTSDALE HEALTHCARE HOSPITALS AND THOMAS SADVARY,  
*Defendants/Appellees.*

No. 2 CA-CV 2015-0049  
Filed June 26, 2015

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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NOT FOR PUBLICATION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  
Nos. CV2012012833, CV2013009609, CV2013012360, and  
CV2013095531 (Consolidated)  
The Honorable Douglas L. Rayes, Judge  
The Honorable James T. Blomo, Judge

**AFFIRMED**

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COUNSEL

Araya Wolde-Giorgis, Scottsdale  
*In Propria Persona*

Polsinelli PC, Phoenix  
By Nathan J. Kunz  
*Counsel for Defendants/Appellees*

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**MEMORANDUM DECISION**

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

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ECKERSTROM, Chief Judge:

¶1 Araya Wolde-Giorgis appeals from the trial court’s order dismissing with prejudice his claims against Scottsdale Healthcare Hospitals and Thomas Sadvary (collectively “Scottsdale Healthcare”). For the following reasons, we affirm.

¶2 In July 2013, Wolde-Giorgis filed an amended complaint alleging multiple claims against Scottsdale Healthcare, among other defendants.<sup>1</sup> Scottsdale Healthcare moved to dismiss the complaint pursuant to Rule 12(b)(6), Ariz. R. Civ. P., and that motion was granted.<sup>2</sup> This appeal followed.

¶3 On appeal, Wolde-Giorgis complains the trial court erred in consolidating all 160 defendants in the case and in dismissing the case based on insufficient service of process. He likewise suggests the court erred in concluding his complaint failed to comply with the requirements of Rule 8(a), Ariz. R. Civ. P., and granting Scottsdale Healthcare’s Rule 12(b)(6) motion.

¶4 As to the consolidation order, it was entered several months after the claims against Scottsdale Healthcare were dismissed with prejudice. Although our appellate review may

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<sup>1</sup>The other defendants are not parties to this appeal.

<sup>2</sup>The court’s initial order was not signed, did not resolve all claims against all parties, and did not contain language pursuant to Rule 54(b), Ariz. R. Civ. P., certifying that the judgment was final as to Scottsdale Healthcare and that there was “no just reason for delay.” Scottsdale Healthcare later sought, and obtained, a final judgment certified under Rule 54(b).

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include intermediate orders involving the merits of the action or affecting the judgment, *Wyckoff v. Mogollon Health Alliance*, 232 Ariz. 588, ¶ 4, 307 P.3d 1015, 1017 (App. 2013), the consolidation order could not have had any effect on the merits of the case against Scottsdale Healthcare, as that case had already been dismissed.

¶5 As to the order dismissing the case, Wolde-Giorgis's claim of error in dismissing for insufficient service fails because the trial court did not dismiss the case on that basis. Regarding the dismissal pursuant to Rule 12(b)(6), Wolde-Giorgis has not provided any explanation for his claim of error, nor supported his claim with legal authority or citations to the record. *See* Ariz. R. Civ. App. P. 13(a)(7)(A). We therefore deem this claim waived. *See Rice v. Brakel*, 233 Ariz. 140, ¶ 28, 310 P.3d 16, 23 (App. 2013).

¶6 Scottsdale Healthcare has requested an award of costs and attorney fees on appeal pursuant to A.R.S. § 12-349(A)(1) and (2). Given that Wolde-Giorgis's opening brief largely addressed issues that were entirely irrelevant to the merits of the case, we believe such an award is appropriate, and we grant the award, subject to Scottsdale Healthcare's compliance with Rule 21, Ariz. R. Civ. App. P.

**Disposition**

¶7 For the foregoing reasons, the judgment of the trial court is affirmed.