

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

ROMAN COLTER,
Plaintiff/Appellant,

v.

CHAPMAN CHEVROLET,
Defendant/Appellee.

No. 2 CA-CV 2015-0224
Filed May 25, 2016

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NOT FOR PUBLICATION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).

Appeal from the Superior Court in Pinal County
No. S1100CV201501686
The Honorable Stephen F. McCarville, Judge

AFFIRMED

COUNSEL

Roman Colter, Florence
In Propria Persona

Burch & Cracchiolo, P.A., Phoenix
By Melissa Iyer Julian
Counsel for Defendant/Appellee

COLTER v. CHAPMAN CHEVROLET
Decision of the Court

MEMORANDUM DECISION

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

V Á S Q U E Z, Presiding Judge:

¶1 Roman Colter appeals from the trial court's order dismissing his complaint against Chapman Chevrolet because his claims were "identical" to those raised in a previously dismissed case and, therefore, barred by the doctrine of res judicata. We have jurisdiction pursuant to A.R.S. § 12-2101(A)(1). For the following reasons, we affirm the court's order.

¶2 On appeal, Colter has not presented this court with any clear argument supported by legal authority, as required by Rule 13(a)(7), Ariz. R. Civ. App. P., explaining how the trial court erred in applying the doctrine of res judicata. See *Aldrich & Steinberger v. Martin*, 172 Ariz. 445, 448, 837 P.2d 1180, 1183 (App. 1992) ("[A] judgment on the merits in a prior suit involving the same parties . . . bars a second suit based on the same cause of action."), quoting *Lawlor v. Nat'l Screen Serv. Corp.*, 349 U.S. 322, 326 (1955). In the absence of a properly developed argument, we find any issue related to the court's decision waived on appeal. See *Polanco v. Indus. Comm'n*, 214 Ariz. 489, n.2, 154 P.3d 391, 393 n.2 (App. 2007).

¶3 And to the extent Colter has raised any meaningful arguments, they are directed at the previous case, which we cannot address in this appeal. See *Rourk v. State*, 170 Ariz. 6, 12, 821 P.2d 273, 279 (App. 1991) (scope of review limited to judgment from which appeal is brought). "Parties who choose to represent themselves 'are entitled to no more consideration than if they had been represented by counsel' and are held to the same standards as attorneys with respect to 'familiarity with required procedures and . . . notice of statutes and local rules.'" *In re Marriage of Williams*, 219 Ariz. 546, ¶ 13, 200 P.3d 1043, 1046 (App. 2008) (alteration in

COLTER v. CHAPMAN CHEVROLET
Decision of the Court

Williams), quoting *Smith v. Rabb*, 95 Ariz. 49, 53, 386 P.2d 649, 652 (1963).

¶4 We affirm the trial court's order dismissing the complaint. Chapman argues this appeal is frivolous and requests a monetary award against Colter as a sanction pursuant to Rule 25, Ariz. R. Civ. App. P., and A.R.S. § 12-2106. Although we certainly could grant the request under these circumstances, see *Gangadean v. Byrne*, 16 Ariz. App. 112, 114, 491 P.2d 501, 503 (1971), we exercise our discretion and deny the request for sanctions, see *Villa de Jardines Ass'n v. Flagstar Bank, FSB*, 227 Ariz. 91, ¶ 26, 253 P.3d 288, 296 (App. 2011) ("We impose sanctions under Rule 25 only 'with great reservation.'"), quoting *Ariz. Tax Research Ass'n v. Dep't of Revenue*, 163 Ariz. 255, 258, 787 P.2d 1051, 1054 (1989). However, Chapman is entitled to its costs on appeal, subject to compliance with Rule 21, Ariz. R. Civ. App. P.