

**SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**

IN THE MATTER OF PROHIBITING  
ALAN N. ARIAV FROM FILING ANY  
LAWSUIT IN MARICOPA COUNTY  
AGAINST BARBARA DALICANDRO  
WITHOUT OBTAINING PRIOR  
PERMISSION FROM THE COURT

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}  
}  
} ADMINISTRATIVE ORDER  
No. 2017 - 028

This matter was referred by the Honorable Joshua D. Rogers to consider issuing an administrative order declaring Alan N. Ariav a vexatious litigant. Upon review of other matters filed in this Court, and considering all the matters presented, the Court makes the following findings and orders.

Pursuant to A.R.S. § 12-3201, the Presiding Judge of the Superior Court may designate a pro se litigant a vexatious litigant. In addition, courts “possess inherent authority to curtail a vexatious litigant’s ability to initiate additional lawsuits.” *Madison v. Groseth*, 230 Ariz. 8, 15, 279 P.3d 633, 639 (App. 2012). The filing excesses of vexatious litigants interfere with the orderly administration of justice by diverting judicial resources from those cases filed by litigants willing to follow court rules and those meritorious cases that deserve prompt judicial attention. See *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997)

On March 6, 2015, Mr. Ariav filed a lawsuit in this Court against his next door neighbor Barbara Dalicandro alleging intrusion upon seclusion, nuisance, and intentional infliction of emotional distress. (Case number CV2015-001471.) The defendant filed a motion to dismiss, which was granted on May 6, 2015. In a minute entry dated July 14, 2015, the Court awarded the defendant attorneys’ fees pursuant to A.R.S. §12-349(A)(1),(2) & (4). In awarding attorneys’ fees, the Court found Mr. Ariav brought his lawsuit without substantial justification; Mr. Ariav’s intention was to harass, embarrass and intimidate the defendant; and Mr. Ariav had engaged in abuse of discovery when he subpoenaed the defendant’s business associates and attached the complaint containing unsubstantiated salacious and indecent allegations against her. The Court then sealed the entire record in the case.

On January 5, 2016, Mr. Ariav filed a petition for an injunction against harassment against the same defendant alleging that she was harassing him through a shared block wall separating their homes. The Court denied the request for an initial injunction on January 11, 2016 and dismissed the case on March 1, 2016. (Case number CV2016-051242.)

On March 14, 2016, Mr. Ariav filed another lawsuit against the same defendant, once again alleging intrusion upon seclusion, nuisance, and intentional infliction of emotional distress. (Case number CV2016-003816.) The complaint contained

numerous graphic allegations, many of which the Court found to be patently false. Mr. Ariav's complaint included allegations that the defendant was using psychic powers to "spy" on him through the wall between their homes, eavesdropping on his conversations and reading his thoughts. Mr. Ariav also claimed defendant sang vulgar songs day and night through the wall in order to harass him. Defendant filed a motion to dismiss which was granted by the Court on April 28, 2016. The Court also granted the defendant her attorneys' fees, finding that the lawsuit was groundless and without substantial justification and was brought primarily for the purpose of harassing the defendant.

The defendant also filed a motion with the Court to have Mr. Ariav declared a vexatious litigant. The Court granted the motion as to that case, and then referred the matter for consideration of an administrative order. In its minute entry, the Court referenced the fact that in Mr. Ariav has admitted in several pleadings to going to the defendant's front door and confronting her with a gun.

On June 9, 2016, Mr. Ariav filed another petition for an injunction against harassment against the same defendant, containing the same allegations he had raised in his previous lawsuits. The petition was denied by the Court. (Case number CV2016-052458.)

Mr Ariav's lawsuits against his neighbor have been baseless and are part of a campaign to harass her. Based on a review of the cases filed by Mr. Ariav against Ms. Dalicandro in Maricopa County Superior Court, the Court finds Mr. Ariav to be a vexatious litigant.

The Court may issue an order limiting such a litigant's ability to file future lawsuits, motions, and requests for relief to the extent necessary to curtail the improper conduct. The Court finds the orders set out below to be the least restrictive orders that will adequately address Mr. Ariav's established pattern of abuse. Therefore,

**IT IS ORDERED** as follows:

1. Mr. Ariav may not file any new causes of action against Barbara Dalicandro after the date of this order without leave of the Civil Presiding Judge or his/her designee.
2. Mr. Ariav may not file a new pleading, motion, or any other document in any civil case he currently has against Ms. Dalicandro without leave of the Civil Presiding Judge or his/her designee.

Any motion for leave to file any lawsuit, pleading or motion against Ms. Dalicandro shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Ariav must either cite this order in his application, or attach as an exhibit a copy of this order.

If approval for filing a new action by Mr. Ariav against Ms. Dalicandro is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Ariav.

Dated this 9th day of March, 2017.

/s/ Janet E. Barton

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Honorable Janet E. Barton  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of Superior Court  
Hon. Joseph Welty, Associate Presiding Judge  
Hon. Randall Warner, Civil Department Presiding Judge  
Raymond L. Billotte, Judicial Branch Administrator  
Peter Kiefer, Civil Court Administrator  
Alan N. Ariav  
Kent E. Cammack, Attorney for Ms. Dalicandro