



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**BRIANA HERNANDEZ v. LUIS ARTURO LOARCA  
CV-25-0161-PR**

**PARTIES:**

*Petitioner:* Briana Hernandez

*Respondent:* Luis Arturo Loarca

**FACTS:**

The parties share a ten-year-old daughter, M.L. Hernandez filed a petition in Superior Court for an order of protection under A.R.S. § 13-3602(E), which provides that a court shall issue an order of protection upon finding “reasonable cause to believe” that the defendant “has committed an act of domestic violence” which is defined to include “harassment.” See A.R.S. § 13-3601(A). A defendant commits harassment by either “knowingly and repeatedly commit[ing] an act or acts that harass another person.” § 13-2921(A). Such acts include “[c]ontact[ing] . . . another person by verbal, electronic, mechanical, telegraphic, telephonic or written means.” § 13-2921(A)(1). For an act to “harass” another person, it must be “directed at a specific person.” § 13-2921(E).

Hernandez’s petition was based upon two incidents, both of which occurred while Hernandez was working at M.L.’s school as a teacher. In the first, Loarca told M.L.’s teacher at a parent-teacher meeting that Hernandez “despised her” and “did not think that she was a good teacher.” That statement, which Hernandez said was false, reached the principal, who requested a meeting between Hernandez and the teacher. Despite Hernandez’s apologizing, the teacher later left the school, and Hernandez and M.L. changed schools. On the second occasion, after Hernandez attempted to help M.L. with a book report at school, Loarca e-mailed the principal to complain about the help Hernandez was giving on plagiarism grounds. He later sent a follow-up e-mail to the same effect. Hernandez got a warning from the school and became fearful of losing her job. The judge granted Hernandez’s request and issued an order requiring Loarca (among other restrictions) to stop making complaints to the school about Hernandez. The judge ordered that, if Loarca believed Hernandez was violating court orders, he had “recourse in [family] court.” The judge expressly found that Loarca’s actions “amount[ed] to harassment.”

The Court of Appeals reversed, holding that the evidence did not support a determination of harassment. It found that nothing in the record suggested that Loarca “directed” his conduct “at” Hernandez, an essential requirement for obtaining an order of protection on the basis of harassment. The Court of Appeals noted that, in the trial court’s explanation for continuing the order of

protection, the court never addressed how Loarca's e-mail conversation with the school principal was "directed at" Hernandez.. The Court of Appeals therefore vacated the order of protection. Hernandez filed a Petition for Review which the Arizona Supreme Court granted.

**ISSUE:** "Whether the Court of Appeals erred in concluding that communications made by a defendant to third parties about the plaintiff cannot constitute harassment 'directed at' the plaintiff under [A.R.S. § 13-2921\(E\)](#), even if such communications foreseeably and directly impact the plaintiff's mental well-being and employment."

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