

**Court of Appeals, Division One**

**Civil Accelerated Appeal - Rule 29**

**1 CA-CV 23-0583**

**HAMADEH, et al. v. MAYES, et al.**

**Appellate Case Information**

Case Filed: 20-Sep-2023

Case Closed:

**Dept/Composition**

**Department F**

Hon. David B Gass  
Hon. Kent E Cattani  
Hon. James B Morse

**Side 1. JEANNE KENTCH, an individual; TED BOYD, an individual; ABRAHAM HAMADEH, an individual; and REPUBLICAN NATIONAL COMMITTEE, a federal political party committee, Plaintiff/Appellant/Cross-Appellee**

**(Litigant Group) ABRAHAM HAMADEH**

- Jeanne Kentch
- Ted Boyd
- Abraham Hamadeh
- Republican National Committee

**Co-Counsel for:Plaintiff/Appellant/Cross-Appellee**

Veronica Lucero, Esq. (AZ Bar No. 30292)  
Alexander Michael Del Rey Kolodin, Esq. (AZ Bar No. 30826)  
Arno Naeckel, Esq. (AZ Bar No. 26158)  
James C Sabalos, Esq. (AZ Bar No. 039061)  
Jennifer Wright, Esq. (AZ Bar No. 27145)  
Sigal Chattah, Esq. (NV Bar No. sigalchattah)  
Timothy A LaSota, Esq. (AZ Bar No. 20539)

**Side 2. KRISTIN K. MAYES, et al., Defendant/Appellee/Cross-Appellant**

**(Litigant Group) KRISTIN K. MAYES, as contestee**

- Kristin K. Mayes  
AZ Bar No. 022584  
Admitted 1/10/05

**Attorneys for:Defndnt/Applee/Cross-Applnt Mayes**

Paul F Eckstein, Esq. (AZ Bar No. 1822)  
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Matthew R Koerner, Esq. (AZ Bar No. 35018)  
Samantha Jones Burke, Esq. (AZ Bar No. 36064)  
Margo R. Casselman, Esq. (AZ Bar No. 34963)

**(Litigant Group) SECRETARY OF STATE, et al.**

- Arizona Secretary of State
- Adrian P Fontes  
AZ Bar No. 22162  
[Current Member]

**Co-Cnsl for:Dfndnt/Applee/X-Applnt Sec of State**

Craig A Morgan, Esq. (AZ Bar No. 23373)  
Shayna Gabrielle Stuart, Esq. (AZ Bar No. 34819)  
Jake Tyler Rapp, Esq. (AZ Bar No. 36208)

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**Side 3. MARICOPA COUNTY, et al., Defendant/Appellee**

**(Litigant Group) MARICOPA COUNTY, et al.**

- Maricopa County Recorder's Office
- Maricopa County Board of Supervisors
- Stephen I Richer  
AZ Bar No. 32934  
[Current Member]

**Co-Counsel for: Defendants/Appellees Mar County**

Thomas P Liddy, Esq. (AZ Bar No. 19384)  
Joseph Branco, Esq. (AZ Bar No. 31474)  
Jack O'Connor, Esq. (AZ Bar No. 30660)  
Sean M Moore, Esq. (AZ Bar No. 31621)  
Rosa Aguilar, Esq. (AZ Bar No. 37774)  
Joseph E La Rue, Esq. (AZ Bar No. 12236)  
Emily M Craiger, Esq. (AZ Bar No. 21728)

**(Litigant Group) APACHE COUNTY, et al.**

- Apache County Recorder's Office
- Apache County Board of Supervisors

**Attorneys for: Defendants/Appellees Apache Cty**

Celeste M Robertson, Esq. (AZ Bar No. 35588)

**(Litigant Group) COCHISE COUNTY, et al.**

- Cochise County Recorder's Office
- Cochise County Board of Supervisors
- David W Stevens

**Attorneys for: Defendants/Appellees Cochise et al.**

Christine Roberts, Esq. (AZ Bar No. 33718)  
Paul Correa, Esq. (AZ Bar No. 17187)

**(Litigant Group) COCONINO COUNTY, et al.**

- Coconino County Recorder's Office
- Coconino County Board of Supervisors
- Patty Hansen

**Attorneys for: Defendants/Appellees Coconino et al**

William P Ring, Esq. (AZ Bar No. 12860)

**(Litigant Group) GILA COUNTY, et al.**

- Gila County Recorder's Office
- Gila County Board of Supervisors
- Sadie Jo Bingham

**Attorneys for: Defendants/Appellees Gila et al.**

Jeff Dalton, Esq. (AZ Bar No. jeffdalton)

**(Litigant Group) GRAHAM COUNTY, et al.**

- Graham County Recorder's Office
- Graham County Board of Supervisors
- Polly Merriman

**Attorneys for: Defendants/Appellees Graham et al.**

Jean Anne Roof, Esq. (AZ Bar No. 33354)

**(Litigant Group) GREENLEE COUNTY, et al.**

- Greenlee County Recorder's Office
- Greenlee County Board of Supervisors
- Sharie Milheiro

**Attorneys for: Defendants/Appellees Greenlee et al**

Scott Adams, Esq. (AZ Bar No. SAdams)

**(Litigant Group) LA PAZ COUNTY, et al.**

- La Paz County Recorder's Office
- La Paz County Board of Supervisors
- Richard Garcia

**Attorneys for: Defendants/Appellees La Paz et al**

Ryan Norton Dooley, Esq. (AZ Bar No. 28781)

**(Litigant Group) MOHAVE COUNTY, et al.**

- Mohave County Recorder's Office
- Mohave County Board of Supervisors
- Kristi Blair

**Attorneys for: Defendants/Appellees Mohave et al.**

Ryan Henry Esplin, Esq. (AZ Bar No. 29235)  
William Davis, Esq. (AZ Bar No. 37869)

**(Litigant Group) NAVAJO COUNTY, et al.**

- Navajo County Recorder's Office
- Navajo County Board of Supervisors
- Michael Sample

**Attorneys for: Defendants/Appellees Navajo et al.**

Jason S Moore, Esq. (AZ Bar No. 19911)

**Court of Appeals, Division One**

**Civil Accelerated Appeal - Rule 29**

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**(Litigant Group) PIMA COUNTY, et al.**

- Pima County Recorder's Office
- Pima County Board of Supervisors
- Gabriella Cazares-Kelley

**Attorneys for: Defendants/Appellees Pima et al.**  
 Daniel S Jurkowitz, Esq. (AZ Bar No. 18428)  
 Ellen Ridge Brown, Esq. (AZ Bar No. 12329)  
 Javier Adalberto Gherna, Esq. (AZ Bar No. 35220)

**(Litigant Group) PINAL COUNTY, et al.**

- Pinal County Recorder's Office
- Pinal County Board of Supervisors
- Dana Lewis

**Attorneys for: Defendants/Appellees Pinal et al**  
 Craig C Cameron, Esq. (AZ Bar No. 13176)  
 Scott Matthew Johnson, Esq. (AZ Bar No. 31510)  
 Jim Mitchell, Esq. (AZ Bar No. jimmitchell)

**(Litigant Group) SANTA CRUZ COUNTY, et al.**

- Santa Cruz County Recorder's Office
- Santa Cruz County Board of Supervisors
- Suzanne Sainz

**Attorneys for: Defendants/Appellees Santa Cruz et**  
 Kimberly J Hunley, Esq. (AZ Bar No. 19141)

**(Litigant Group) YAVAPAI COUNTY, et al.**

- Yavapai County Recorder's Office
- Yavapai County Board of Supervisors
- Michelle Burchill

**Attorneys for: Defendants/Appellees Yavapai et al.**  
 Thomas M Stoxen, Esq. (AZ Bar No. 14904)  
 Michael J Gordon, Esq. (AZ Bar No. 21798)

**(Litigant Group) YUMA COUNTY, et al.**

- Yuma County Recorder's Office
- Yuma County Board of Supervisors
- Richard Colwell

**Attorneys for: Defendants/Appellees Yuma et al.**  
 William J Kerekes, Esq. (AZ Bar No. 7073)

**Side 4. AMERICA FIRST, Amicus Curiae**

**(Litigant Group) AMERICA FIRST**

- America First Legal Foundation

**Attorneys for: Amicus Curiae America First**  
 James K Rogers, Esq. (AZ Bar No. 27287)

**CASE STATUS**

May 9, 2024.....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH S8015CV202201468	Election Contest		Lee Frank Jantzen, Authoring Judge of Order		

DESCENDENT CASE (S)	
ASC CV-24-0101-PR	

**CASE DECISION**

09-Apr-2024 **DECISION ORDER**

David Gass.....Author  
 Kent Cattani.....Concur  
 James Morse.....Dissent

Filed: **09-Apr-2024** Mandate:

Decision Disposition
<b>Affirmed</b>

**45 PROCEEDING ENTRIES**

- 20-Sep-2023 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 09/06/23
- 20-Sep-2023 FILED: e-Record on Appeal:  
 Instruments/Minute Entries  
 Digital Exhibits: Plaintiff Hearing Date 12/23/22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 Def Mayes Hearing Date 12/23/22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 Def Hobbs Hearing Date 12/23/22 1

**Court of Appeals, Division One****Civil Accelerated Appeal - Rule 29****1 CA-CV 23-0583****HAMADEH, et al. v. MAYES, et al.****45 PROCEEDING ENTRIES**

3. 21-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 26-Sep-2023 FILED: Appellants' [sic] Opening Brief; Certificate of Compliance: Appellants' [sic] Opening Brief; Certificate of Service: Appellants [sic] Opening Brief (Appellant/Cross-Appellee)
5. 26-Sep-2023 FILED: Notice of Designation of Transcript as Part of the Record; Certificate of Service: Notice of Designation of Transcript as Part of the Record (Appellant/Cross-Appellee)
6. 26-Sep-2023 FILED: Reporter's Transcript - 12/22/2022 - Emergency Hearing (Chelsea Voigt) (Appellant/Cross-Appellee)
7. 26-Sep-2023 FILED: Reporter's Transcript - 12/23/2022 - Bench Trial (Steve L. Garwood) (Appellant/Cross-Appellee)
8. 26-Sep-2023 FILED: Reporter's Transcript- 05/16/2023 (Kimberly Faehn) (Appellant/Cross-Appellee)
9. 26-Sep-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
10. 26-Sep-2023 FILED: Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration; Certificate of Service: Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration; Exhibit A - B (Appellant/Cross-Appellee)
11. 26-Sep-2023 FILED: Motion to Stay/Abate Cross-Appeals on the Issue of Attorneys Fees and Costs; Certificate of Service: Motion to Stay/Abate Cross-Appeals on the Issue of Attorneys Fees and Costs (Appellant/Cross-Appellee)
12. 27-Sep-2023 ORDERED: Responses to both motions shall be filed by 10/02/2023. FURTHER ORDERED: Replies shall be filed by 10/04/2023. The court will rule on both motions following expiration of the time for responses and replies. Hon David B Gass - Author
13. 27-Sep-2023 FILED: Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Consolidated Response Objecting to Appellants' (1) Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration, and (2) Motion to Stay / Abate Cross-Appeals; Certificate of Service; Exhibits 1-4 (Appellee/Cross-Appellant Sect of State)
14. 29-Sep-2023 FILED: Joint Notice of Filing Superior Court Transcripts; Certificate of Service; Exhibit 1 - Reporter's Transcript - 12/14/2022 (Dawn M. Duffey); Exhibit 2 - Reporter's Transcript - 12/19/2022 (Dawn M. Duffey) (Appellee)
15. 29-Sep-2023 FILED: Combined Response to Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration Motion to Stay/Abate Cross-Appeals on the Issue of Attorney Fees and Costs; Certificate of Service (Appellee/Cross-Appellant Mayes)
16. 2-Oct-2023 RECEIPT No.: 2023-00931 ; \$280.00, Authorization: # 75021044713, Applied to: ABRAHAM HAMADEH - Class A Filing Fee (\$280.00) Paid for: Davillier Law Group LLC - By nCourt, LLC
17. 3-Oct-2023 FILED: Appellants' Consolidated Reply in Support of Appellants' Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration and Motion to Stay/Abate Cross-Appeals; Certificate of Service:Appellants' Consolidated Reply in Support of Appellants' Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration and Motion to Stay / Abate Cross-Appeals (Appellant/Cross-Appellee)
18. 4-Oct-2023 ORDERED: Motion to Stay/Abate Cross-Appeals on the Issue of Attorneys Fees and Costs (Appellant/Cross-Appellee) = DENIED. FURTHER ORDERED: Motion for a Procedural Order Setting Expedited Briefing and Expedited Consideration(Appellant/Cross-Appellee) = Denying the motion to set an expedited briefing schedule without prejudice to the parties filing briefs as quickly as they wish before the due dates. The court does not anticipate granting any briefing extensions. FURTHER ORDERED: Pursuant to ARCAP 3(a), granting the request for expedited consideration. FURTHER ORDERED: Directing the clerk of this court to schedule this appeal for disposition pursuant to ARCAP 29 after it is at issue. The parties are reminded, however, that once this appeal is assigned to a panel, it may be removed from accelerated disposition if the panel concludes it is not suitable for acceleration. FURTHER ORDERED: Notwithstanding ARCAP 18(a), that any request for oral argument must be filed not later than the due date for the cross-appeal reply brief. Hon David B Gass - Author
19. 5-Oct-2023 RECEIPT No.: 2023-00938 ; \$140.00, Authorization: # 78004991359, Applied to: KRISTIN K. MAYES, as contestee - Class A Filing Fee (\$140.00) Paid for: Perkins Coie LLP - By nCourt LLC (Memo: Partial Payment)
20. 10-Oct-2023 RECEIPT No.: 2023-00950 ; \$140.00, Check Number: #2202872, Applied to: KRISTIN K. MAYES, as contestee - Class A Filing Fee (\$140.00) Paid for: - By Perkins Coie LLP (Memo: Remaining balance X-Ref 2023-00938)
21. 10-Oct-2023 FILED: Appellate Clerk Notice Re: Appellee/Cross Appellant's Fee Paid and Case Management Statement Due/Appellant's Brief Due
22. 6-Nov-2023 FILED: Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Combined Answering Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service: Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Combined Answering Brief and Opening Brief on Cross-Appeal (Appellee/Cross-Appellant Secretary of State)
23. 6-Nov-2023 FILED: Appendix to Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Combined Answering Brief and Opening Brief on Cross-Appeal (Appellee/Cross-Appellant Secretary of State)
24. 6-Nov-2023 FILED: Certificate of Service: Appendix to Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Combined Answering Brief and Opening Brief on Cross-Appeal (Appellee/Cross-Appellant Secretary of State)

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25.	6-Nov-2023	FILED: Defendant/Appellee Pima County's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Pima County, et al.)
26.	6-Nov-2023	FILED: Answering Brief of the Maricopa County Defendants; Certificate of Compliance; Certificate of Service (Appellee Maricopa County, et al.)
27.	6-Nov-2023	FILED: Combined Answering Brief and Opening Brief; Defendant/Appellee/Cross-Appellant Kristin K. Mayes's Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Mayes, et al.)
28.	6-Nov-2023	FILED: Appendix to Combined Answering Brief and Opening Brief (Appellee/Cross-Appellant Mayes, et al.)
29.	8-Nov-2023	FILED: Joint Case Management Statement; Exhibit A; Certificate of Service: Joint Case Management Statement (Cross-Appellant/Appellees Mayes, et al. and Secretary of State, et al.)
30.	17-Nov-2023	FILED: Motion for a Procedural Order Allowing Consolidated Briefing and Due Dates; Certificate of Service: Motion for a Procedural Order Allowing Consolidated Briefing and Due Dates (Appellant/Cross-Appellee)
31.	20-Nov-2023	ORDERED: Motion for a Procedural Order Allowing Consolidated Briefing and Due Dates (Appellant/Cross-Appellee) = GRANTED. FURTHER ORDERED: Allowing appellants/cross-appellees to file a consolidated reply brief/cross-appeal answering brief by 12/18/2023, with up to 35,000 words. Melina Brill ProTem Judge - Author
32.	1-Dec-2023	ORDERED: Upon filing of the cross-appeal reply briefs, this appeal will be submitted for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
33.	18-Dec-2023	FILED: Appellants'/Cross-Appellees' Combined Reply Brief and Answering Brief on Cross-Appeal; Certificate of Compliance: Appellants'/Cross-Appellees' Combined Reply Brief and Answering Brief on Cross-Appeal; Certificate of Service: Appellants'/Cross-Appellees' Combined Reply Brief and Answering Brief on Cross-Appeal (Appellant/Cross-Appellee)
34.	18-Dec-2023	FILED: Letter dated 12/18/2023 to COA1 from Maithreyi Ratakonda re: removal from distribution list in case 1 CA-CV 23-0583
35.	3-Jan-2024	FILED: America First Legal Foundation's Motion for Leave to File Amicus Curiae Brief; Certificate of Service: America First Legal Foundation's Motion for Leave to File Amicus Curiae Brief; Exhibit A (Amicus Curiae AFLF)
36.	8-Jan-2024	FILED: Reply Brief on Cross-Appeal; Defendant/Appellee/Cross-Appellant Kristin K. Maye's Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Mayes)
37.	8-Jan-2024	FILED: Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service; Exhibit 1 (Appellee/Cross-Appellant Secretary of State)
38.	23-Jan-2024	ORDERED: America First Legal Foundation's Motion for Leave to File Amicus Curiae Brief (Amicus Curiae AFLF) = GRANTED and accepting the AFLF's amicus curiae brief. FURTHER ORDERED: Any party may file a response to the brief by 02/12/2024. Hon David B Gass - Author
39.	26-Jan-2024	CLNDR: CONFERENCE, Department F, 3-19-24, CONFERENCE ROOM.
40.	2-Feb-2024	FILED: Appellee/Cross-Appellant Arizona Secretary of State Adrian Fontes' Response to America First Legal Foundation's Amicus Curiae Brief on Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Secretary of State)
41.	20-Mar-2024	FILED: Notice of Change of Address; Certificate of Service (Appellee/Cross-Appellant Mayes)
42.	9-Apr-2024	DECISION ORDER (Affirmed) Hon David B Gass - Author; Hon Kent E Cattani - Concur; Hon James B Morse Jr. - Dissent
43.	9-Apr-2024	FILED: Decision Distribution Notification
44.	10-May-2024	FILED: Email Notice from ASC re: Petition for Review filed 5/9/24; request for partial record
45.	10-May-2024	FILED: Letter forwarding partial record to Arizona Supreme Court