

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0002

TOMA, et al. v. FONTES et al.

Appellate Case Information

Case Filed: 3-Jan-2024

Case Closed:

Dept/Composition

Department A

Hon. Michael S Catlett
Hon. James B Morse
Hon. Jennifer B Campbell

Side 1. BEN TOMA, et al., Plaintiff/Appellant

(Litigant Group) BEN TOMA, et al.

- Ben Toma
Warren Petersen

Attorneys for: Plaintiffs/Appellants Toma et al.

Brett William Johnson, Esq. (AZ Bar No. 21527)
Tracy Olson, Esq. (AZ Bar No. 34616)
Charlene Anne Warner, Esq. (AZ Bar No. 37169)
Ryan Hogan, Esq. (AZ Bar No. 36169)

Side 2. ADRIAN FONTES, et al., Defendant/Appellee

(Litigant Group) ADRIAN FONTES, et al.

- Adrian P Fontes
AZ Bar No. 22162
[Current Member]

Attorneys for: Defendant/Appellee A. Fontes

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

(Litigant Group) ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

- Arizona Citizens Clean Elections Commission

Attorneys for: Defendant/Appellee AZ Citizens

Mary R O'Grady, Esq. (AZ Bar No. 11434)
James D Smith, Esq. (AZ Bar No. 16760)
Eric M Fraser, Esq. (AZ Bar No. 27241)
Emma Cone-Roddy, Esq. (AZ Bar No. 34285)
Sarah P Lawson, Esq. (AZ Bar No. 36436)

Side 3. KRISTIN MAYES, et al., Intervenor/Appellee

(Litigant Group) KRISTIN MAYES, et al.

- Kristin K Mayes
AZ Bar No. 22584
Admitted 1/10/05

Attorneys for: Intervenor/Appellee K. Mayes

Alexander W Samuels, Esq. (AZ Bar No. 28926)
Nathan Arrowsmith, Esq. (AZ Bar No. 31165)
Luci Danielle Davis, Esq. (AZ Bar No. 35347)

(Litigant Group) VOTERS RIGHT TO KNOW

- Voters Right to Know

Attorneys for: Intervenor/Appellee Voters

David Kolker, Esq. (DC Bar No. 394558)
Tara Malloy, Esq. (DC Bar No. 988280)
Elizabeth Shimek, Esq. (WI Bar No. 1095937)
Daniel J Adelman, Esq. (AZ Bar No. 11368)
Chanele N Reyes, Esq. (AZ Bar No. 34898)

Side 4. ARIZONA CHAMBER OF COMMERCE & INDUSTRY, Amicus Curiae

(Litigant Group) ARIZONA CHAMBER OF COMMERCE & INDUSTRY

- Arizona Chamber of Commerce and Industry

Attorneys for: Amicus Curiae

Nathan Curtisi, Esq. (AZ Bar No. 33342)

CASE STATUS

Jul 30, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2023-011834, Preliminary Injunction, Timothy J Ryan, Authoring Judge of Order.

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DESCENDENT CASE(S)

ASC CV-24-0073-SA
ASC CV-24-0166-PR
ASC T-24-0001-CV

CASE DECISION

27-Jun-2024 OPINION

Michael Catlett.....Author
James Morse.....Concur
Jennifer Campbell.....Concur

Filed: 27-Jun-2024 Mandate:

Table with 1 column: Decision Disposition. Content: Affirmed in Part, Reversed in Part, Remanded

52 PROCEEDING ENTRIES

- 1. 3-Jan-2024 FILED: Motion to Suspend Rules And Expedite Briefing Schedule For Appeal; Notice of Appeal; Certificate of Service (Appellants)
2. 4-Jan-2024 FILED: Case Management Statement (Appellants)
3. 4-Jan-2024 FILED: Reporter's Transcript - 12/13/2023 - Oral Argument (Michele Kaley)
4. 4-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
5. 4-Jan-2024 FILED: Notice of Intent to Respond to Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
6. 8-Jan-2024 FILED: Response to Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
7. 8-Jan-2024 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
8. 8-Jan-2024 FILED: Appellants' Appendix in Support of Opening Brief (Appellant)
9. 8-Jan-2024 FILED: Notice of Intent to File Reply ISO Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellant)
10. 9-Jan-2024 FILED: Reply in Support of Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellants)
11. 10-Jan-2024 ORDERED: Motion to Suspend Rules And Expedite Briefing Schedule For Appeal (Appellants) = DENIED 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. Hon David B Gass - Author
12. 12-Jan-2024 FILED: Motion for Clarification Re: Order Denying Motion Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellants)
13. 16-Jan-2024 FILED: Response to Motion for Clarification re: Order Denying Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee AZ Citizens)
14. 17-Jan-2024 ORDERED: Motion for Clarification Re: Order Denying Motion Suspend Rules and Expedite Briefing Schedule for Appeal (Appellants) = DENIED. Hon David B Gass - Author
15. 1-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
16. 1-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 1/3/24
17. 1-Feb-2024 FILED: Appellate Clerk Notice re: No Appellant's Fee Due/Appellee Voters Fee Due/Case Management Statement Filed/ Each Answering Brief Due
18. 9-Feb-2024 FILED: Certificate of Service; Certificate of Service (Duplicate) (Appellant)
19. 13-Feb-2024 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Voters Right to Know)
20. 14-Feb-2024 FILED: Settlement Conference Program Notice

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21. 20-Feb-2024 RECEIPT No.: 2024-00176 ; \$140.00, Authorization: 51018171268, Applied to: VOTERS RIGHT TO KNOW - Class B Filing Fee (\$140.00) Paid for: Daniel J Adelman - By nCourt LLC
22. 20-Feb-2024 FILED: Request for Oral Argument; Certificate of Service (Appellee AZ Citizens)
23. 20-Feb-2024 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee AZ Citizens)
24. 26-Feb-2024 FILED: Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service; Exhibit 1 (to Motion to Stay Superior Court Proceedings Pending Appeal) (Appellant)
25. 27-Feb-2024 ORDERED: Directing appellees to respond to the motion (Motion to Stay Superior Court Proceedings Pending Appeal) by 03/08/2024. FURTHER ORDERED: Directing appellants to reply to the response by 03/15/2024. FURTHER ORDERED: Staying the superior court proceedings pending the court's ruling on the motion. [sic] Hon David B Gass - Author
26. 6-Mar-2024 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 8-Mar-2024 FILED: Joint Response to Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service (Appellee K. Mayes)
28. 8-Mar-2024 FILED: Request for Oral Argument; Certificate of Service (Appellants Toma et al.)
29. 13-Mar-2024 ORDERED: Request for Oral Argument (Appellee AZ Citizens) and Request for Oral Argument; Certificate of Service (Appellants Toma et al.) = GRANTED. Hon David B Gass - Author
30. 15-Mar-2024 FILED: Reply in Support of Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service (Appellant Toma et al.)
31. 26-Mar-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 5-7-24, 11:00 am, COURTROOM 1.
32. 27-Mar-2024 FILED: Notice of Oral Argument
33. 27-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Craig Morgan on 03/27/2024 (Appellee Fontes)
34. 27-Mar-2024 ORDERED: Motion to Stay Superior Court Proceedings Pending Appeal (Appellant) = GRANTED. FURTHER ORDERED: Continuing the current stay of the superior court proceedings until further order of the Court. Hon Michael S Catlett - Author
35. 27-Mar-2024 FILED: Brief of Amicus Curiae Arizona Chamber of Commerce and Industry in Support of Appellants; Certificate of Compliance; Certificate of Service; (Untitled) Email Thread re: Consent of Parties to file Amicus Curiae Brief (Amicus Curiae Arizona Chamber of Commerce & Industry)
36. 29-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Brett Johnson on 03/27/2024 (Appellant)
37. 1-Apr-2024 FILED: Memorandum: Judge Campbell for Judge Paton (Chief Judge Gass)
38. 2-Apr-2024 FILED: ASC Order filed 04/02/2024 re: denying Appellants' Petition for Transfer.
39. 4-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40. 15-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
41. 16-Apr-2024 FILED: Response to Amicus Curiae Arizona Chamber of Commerce; Certificate of Compliance; Certificate of Service (Appellees)
42. 24-Apr-2024 ORDERED: Granting Appellants and Appellees 25 minutes per side to present oral argument. Hon Michael S Catlett - Author
43. 24-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 03/27/2024 (Appellee AZ Citizens)
44. 25-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Nathan Arrowsmith on 03/27/2024 (Appellee K. Mayes)
45. 2-May-2024 FILED: Appellees' Supplemental Citation of Legal Authority; Certificate of Service (Appellee K. Mayes)
46. 7-May-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 5/7/24
47. 31-May-2024 FILED: ASC Order filed 05/31/2024 re: Attorney General's Petition for Special Action = DENIED. FURTHER ORDERED: Attorney General's Request for Oral Argument = MOOT. FURTHER ORDERED: Request for Costs (Real Parties Toma et al.) = GRANTED.
48. 27-Jun-2024 OPINION (Affirmed in Part, Reversed in Part, Remanded) Hon Michael S Catlett - Author; Hon James B Morse Jr. - Concur; Hon Jennifer B Campbell - Concur
49. 27-Jun-2024 FILED: Decision Distribution Notification
50. 30-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 07/29/24; request for partial record

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52 PROCEEDING ENTRIES

- 51. 1-Aug-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 52. 1-Aug-2024 FILED: Amended letter forwarding partial record to Arizona Supreme Court