

Court of Appeals, Division One

Civil-Election Appeal-ARCAP 8.1

1 CA-CV 24-0545 EL

LANE, et al. v. SCOTTSDALE, et al.

Appellate Case Information

Case Filed: 22-Jul-2024

Case Closed:

Dept/Composition

Department C

Hon. Anni Hill Foster
Hon. Samuel A Thumma
Hon. Michael S Catlett

Side 1. WILLIAM JAMES LANE, et al., Plaintiff/Appellant

(Litigant Group) LANE, et al.

- William James Lane
Yvonne Cahill
Susan Wood

Attorneys for: Plaintiffs/Appellants

Jonathan Matthew Riches, Esq. (AZ Bar No. 25712)
Scott Day Freeman, Esq. (AZ Bar No. 19784)
Adam Shelton, Esq. (AZ Bar No. 38252)

Side 2. CITY OF SCOTTSDALE, et al., Defendant/Appellee

(Litigant Group) SCOTTSDALE, et al.

- City of Scottsdale
David D Ortega
Solange Whitehead
Tammy Caputi
Tom Durham
Barry Graham
Betty Janick
Kathy Littlefield
Benjamin Lane

Attorneys for: Defendants/Appellees

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

Side 3. VOTE YES-YES SCOTTSDALE, Amicus Curiae

(Litigant Group) VOTE YES-YES SCOTTSDALE

- Vote Yes-Yes Scottsdale

Attorneys for: Amicus Curiae Vote Yes-Yes

D Andrew Gaona, Esq. (AZ Bar No. 28414)
Austin C Yost, Esq. (AZ Bar No. 34602)

Side 4. SMITH, Amicus Curiae

(Litigant Group) SMITH

- David N Smith

Attorney for: Amicus Curiae Smith

Timothy A LaSota, Esq. (AZ Bar No. 20539)

Side 5. LEAGUE OF AZ CITIES/TOWNS, Amicus Curiae

(Litigant Group) LEAGUE OF AZ CITIES/TOWNS

- League of Arizona Cities and Towns

Attorney for: Amicus Curiae AZ Cities/Towns

Nancy L Davidson, Esq. (AZ Bar No. 29991)

CASE STATUS

Aug 13, 2024....Under Advisement

Aug 8, 2024.....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV 2024-015767, Challenge to Proposition 490, Michael D Gordon, Authoring Judge of Order.

2 OPEN DUE DATES

Reply to Motion due

Due By:

Monday, August 26, 2024

Re: FILED: Appellants' Opposition to the City's Motion for Clarification; Certificate of Service (Appellants)

Response to Motion due

Due By:

Tuesday, September 3, 2024

Re: FILED: Defendant/Appellee The City of Scottsdale's Emergency Motion for Clarification; Certificate of Service (Appellees)

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CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR

CV Cases

13-Aug-2024 Department C; COURTROOM 1

2:00 PM	LANE, et al.....	20 mins.
	SCOTTSDALE, et al.....	20 mins.
	VOTE YES-YES SCOTTSDALE.....	(none)
	LEAGUE OF AZ CITIES/TOWNS.....	(none)
	SMITH.....	(none)

PENDING MATTER

General Motion

Filed: 9-Aug-2024

* *Vote Yes-Yes Scottsdale's Response To Appellants' Objection To Amicus Brief (Amicus Curiae Vote Yes-Yes)*

26 PROCEEDING ENTRIES

1. 22-Jul-2024 FILED: Plaintiffs/Appellants' Notice of Filing Rule 10 Initial Filing Package; Certificate of Service; Notice of Appeal (Expedited Election Matter); Trial Court Ruling Entered July 22, 2024 (Appellant)
2. 22-Jul-2024 FILED: Request for Scheduling Conference Pursuant to Rule 10(g); Certificate of Service (Appellant)
3. 22-Jul-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
4. 23-Jul-2024 FILED: Appellate Clerk Notice re: No Appellee's Fee Due
5. 24-Jul-2024 FILED: Memorandum: Judge Thumma for Judge Bailey; Judge Catlett for Judge Paton (Chief Judge Gass)
6. 24-Jul-2024 ORDERED: Request for Scheduling Conference Pursuant to Rule 10(g)(Appellant) = (see order) Deadlines for briefing are as follows: Opening brief due by 07/29/2024; Answering brief due by 08/05/2024; Reply brief due by 08/08/2024; Amicus briefs due by 08/08/2024. All briefs must be filed and served electronically and are due no later than 5:00 p.m. on the date they are due Hon Anni Hill Foster - Author
7. 26-Jul-2024 RECEIPT No.: 2024-00741 ; \$280.00, Authorization: #08011465678, Applied to: LANE, et al. - Class A Filing Fee (\$280.00) Paid for: Scharf-Norton Center for Constitutional Litigation - By nCourt LLC
8. 29-Jul-2024 FILED: Plaintiffs-Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
9. 5-Aug-2024 FILED: Defendant/Appellee The City of Scottsdale's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
10. 7-Aug-2024 FILED: Brief of Amicus Curiae Vote Yes-Yes Scottsdale in Support of Defendants/Appellees; Certificate of Compliance; Certificate of Service; Consent of Parties (Amicus Curiae Vote Yes-Yes)
11. 8-Aug-2024 FILED: Amicus Curiae Brief Of David N. Smith Supporting Appellants; Amicus Curiae Brief Of David N. Smith Supporting Appellants Certificate Of Compliance; Amicus Curiae Brief Of David N. Smith Supporting Appellants Certificate Of Service (Amicus Curiae Smith)
12. 8-Aug-2024 FILED: Defendant/Appellee The City Of Scottsdale's Response To Amicus Curiae Brief Of David N. Smith Supporting Appellants; Certificate of Compliance; Certificate of Service (Appellee)
13. 8-Aug-2024 FILED: Brief Of Amicus Curiae League Of Arizona Cities And Towns In Support Of Appellees City Of Scottsdale; Certificate of Compliance; Certificate of Service; Consent of Parties (Amicus Curiae League of AZ Cities/Towns)
14. 8-Aug-2024 FILED: Appellants' Reply Brief on Appeal; Certificate of Compliance; Certificate of Service (Appellant)
15. 8-Aug-2024 FILED: Appellants' Objection To The Amicus Curiae Brief Of Vote Yes-Yes Scottsdale In Support Of Defendants/Appellees; Certificate of Compliance; Certificate of Service (Appellant)
16. 8-Aug-2024 ORDERED: Setting oral argument on 08/13/2024, at 2:00 p.m. before Department C, in Courtroom 1. Hon Anni Hill Foster - Author
17. 9-Aug-2024 FILED: Vote Yes-Yes Scottsdale's Response To Appellants' Objection To Amicus Brief; Certificate of Service (Amicus Curiae Vote Yes-Yes)
18. 9-Aug-2024 FILED: Return Receipt Re Oral Argument, signed by Scott Freeman, on 8/8/24 (Appellant)
19. 9-Aug-2024 FILED: Return Receipt Re Oral Argument, signed by Craig Morgan, on 8/8/24 (Appellee)

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26 PROCEEDING ENTRIES

20. 9-Aug-2024 FILED: Vote Yes-Yes Scottsdale's Notice Of Supplemental Authority In Support Of Response To Appellants' Objection To Amicus Brief; Certificate of Service; Exhibit 1 (Amicus Curiae Vote Yes-Yes)
21. 13-Aug-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 08/13/2024
22. 19-Aug-2024 FILED: Defendant/Appellee The City of Scottsdale's Emergency Motion for Clarification; Certificate of Service (Appellees)
23. 19-Aug-2024 ORDERED: treating the putative appeal as a petition seeking special action relief, accepting jurisdiction. FURTHER ORDERED: granting relief by reversing the superior court's 7/19/24 order and enjoining the City and County from including the measure on the 2024 ballot. This court will issue a formal opinion in due course. Hon Anni Hill Foster - Author
24. 19-Aug-2024 FILED: Appellants' Opposition to the City's Motion for Clarification; Certificate of Service (Appellants)
25. 19-Aug-2024 AMENDED ORDER: Treating the putative appeal as a petition seeking special action relief, accepting jurisdiction. FURTHER ORDERED: Granting relief by reversing the superior court's 7/19/24 order and enjoining the City and County from including the measure as currently worded on the 2024 ballot. = GRANTED. Hon Anni Hill Foster - Author
26. 20-Aug-2024 ORDERED: Defendant/Appellee The City of Scottsdale's Emergency Motion for Clarification (Appellees) = DENIED as moot. Hon Anni Hill Foster - Author