

Arizona Supreme Court

Civil Election Appeal

CV-24-0178-AP/EL

RAISE THE WAGE et al v STATE OF ARIZONA et al

Appellate Case Information

Case Filed: 7-Aug-2024

Case Closed:

Dept/Composition

Side 1. RAISE THE WAGE AZ, et al., Plaintiff/Appellant

(Litigant Group) RAISE THE WAGE AZ, et al.

- Raise The Wage AZ
- Lupita Martinez
- Kristen Johnson
- Kevin Smith
- Kenneth Hernandez

Attorneys for: Plaintiff/Appellant

James E Barton, II, Esq. (AZ Bar No. 23888)

Jacqueline Mendez Soto, Esq. (AZ Bar No. 22597)

Daniella Fernandez Lertzman, Esq. (AZ Bar No. 37943)

Side 2. STATE OF ARIZONA, et al., Defendant/Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Defendant/Appellee

Nathan Arrowsmith, Esq. (AZ Bar No. 31165)

(Litigant Group) ADRIAN FONTES

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

Attorneys for: Defendant/Appellee

Kara Karlson, Esq. (AZ Bar No. 29407)

Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)

Kyle R Cummings, Esq. (AZ Bar No. 32228)

Kristin K Mayes, Esq. (AZ Bar No. 22584)

Side 3. THE RESTAURANT ASSOCIATION, Intervenor Defendant

(Litigant Group) THE RESTAURANT ASSOCIATION

- The Restaurant Association

Attorneys for: Intervenor Defendant

Andrew W. Gould, Esq. (AZ Bar No. 13234)

Brennan AR Bowen, Esq. (AZ Bar No. 36639)

Side 4. WARREN PETERSEN, PRESIDENT OF THE ARIZONA STATE SENATE, AND BEN TOMA, SPEAKER OF THE ARIZONA HOUSE OF REPRESENTATIVES, Amicus Curiae

(Litigant Group) WARREN PETERSEN, PRESIDENT OF THE ARIZONA STATE SENATE, AND BEN TOMA, SPEAKER OF THE ARIZONA HOUSE OF REPRESENTATIVES

- Warren Petersen, Arizona State Senate
- Ben Toma, Arizona House of Representatives

Attorneys for: Amicus Curiae

Kory A Langhofer, Esq. (AZ Bar No. 24722)

Thomas J Basile, Esq. (AZ Bar No. 31150)

Brunn W Roysden, III, Esq. (AZ Bar No. 28698)

CASE STATUS

Aug 22, 2024...Decision Rendered

Aug 7, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-016116			Peter A Thompson, Judge on PC		

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CASE DECISION

22-Aug-2024 DECISION ORDER

\* On August 7, 2024, Plaintiffs/Appellants Raise the Wage AZ, an Arizona political action committee, and Lupita Martinez filed their "Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference."  
In

Filed: 22-Aug-2024

Mandate:

Ann Timmer

12 PROCEEDING ENTRIES

1. 7-Aug-2024 FILED: Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference; Certificate of Service (Appellants Raise The Wage, et al.)
2. 7-Aug-2024 FILED: Record
3. 8-Aug-2024 On August 7, 2024, Plaintiffs/Appellants Raise the Wage AZ, an Arizona political action committee, and Lupita Martinez filed their "Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference."  
In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellants, who advises he has conferred with counsel for Defendants State of Arizona and Secretary of State Fontes and Appellee/Intervenor the Arizona Restaurant Association. Court staff has been informally advised that the ballot printing deadline is August 22, 2024.  
It does not appear that any transcript will be filed.  
IT IS ORDERED the Secretary of State shall file a statement forthwith advising the Court of the last day to decide this matter.  
Upon consideration of this matter and agreement of the parties,  
IT IS ORDERED Appellants will file their opening brief (no more than 5,000 words) no later than 4:00 p.m. on Tuesday, August 13, 2024.  
IT IS FURTHER ORDERED that any amicus brief will be filed no later than 4:00 p.m. on Wednesday, August 14, 2024. The parties give blanket consent to the filing of amicus briefs. Notwithstanding such consent, any amicus brief not meeting the requirements of ARCAP 16(b)(1)(C) will be summarily stricken by the Court.  
IT IS FURTHER ORDERED Appellee/Intervenor will file its answering brief (no more than 3,000 words) no later than 11:00 p.m. on Friday, August 16, 2024.  
IT IS FURTHER ORDERED Appellants may file their reply brief (no more than 1,500 words) no later than 9:00 a.m. on Monday, August 19, 2024. If Appellants elect not to file a reply brief, they are to file a notice to that effect as soon as possible.  
Due to the expedited nature of these proceedings, the parties are encouraged to utilize shorter briefs and file their pleadings before their deadlines, if possible.  
IT IS FURTHER ORDERED briefs will be in a legible 14-point font, double-spaced, and will include all arguments the parties wish to present to the Court. They may be filed in memorandum format (no tables of contents or authorities).  
IT IS FURTHER ORDERED in addition to filing briefs with the Clerk of the Supreme Court (with filing and service through AZTurboCourt), all filings are also to be sent by email to all the parties as required by ARCAP Rule 10(h) and to SACrtdocs@courts.az.gov and Court staff when filed.  
Appellants have requested oral argument. Upon consideration,  
IT IS ORDERED this matter will be considered without oral argument.
4. 9-Aug-2024 FILED: Notice Regarding Printing Deadline; Certificate of Service (Appellee Fontes)

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12 PROCEEDING ENTRIES

5. 9-Aug-2024 On August 7, 2024, Plaintiffs/Appellants Raise the Wage AZ, an Arizona political action committee, and Lupita Martinez filed their "Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference."
- In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellants, who advises he has conferred with counsel for Defendants State of Arizona and Secretary of State Fontes and Appellee/Intervenor the Arizona Restaurant Association. Court staff has been informally advised that the ballot printing deadline is August 22, 2024.
- It does not appear that any transcript will be filed.
- IT IS ORDERED the Secretary of State shall file a statement forthwith advising the Court of the last day to decide this matter.
- Upon consideration of this matter and agreement of the parties,
- IT IS ORDERED Appellants will file their opening brief (no more than 4,000 words) no later than 4:00 p.m. on Tuesday, August 13, 2024.
- IT IS FURTHER ORDERED that any amicus brief (no more than 2,000 words) will be filed no later than 4:00 p.m. on Wednesday, August 14, 2024. The parties give blanket consent to the filing of amicus briefs. Notwithstanding such consent, any amicus brief not meeting the requirements of ARCAP 16(b)(1)(C) will be summarily stricken by the Court.
- IT IS FURTHER ORDERED Appellee/Intervenor will file its answering brief (no more than 4,000 words) no later than 11:00 p.m. on Friday, August 16, 2024.
- IT IS FURTHER ORDERED Appellants may file their reply brief (no more than 1,500 words) no later than 9:00 a.m. on Monday, August 19, 2024. If Appellants elect not to file a reply brief, they are to file a notice to that effect as soon as possible.
- Due to the expedited nature of these proceedings, the parties are encouraged to utilize shorter briefs and file their pleadings before their deadlines, if possible.
- IT IS FURTHER ORDERED briefs will be in a legible 14-point font, double-spaced, and will include all arguments the parties wish to present to the Court. They may be filed in memorandum format (no tables of contents or authorities).
- IT IS FURTHER ORDERED in addition to filing briefs with the Clerk of the Supreme Court (with filing and service through AZTurboCourt), all filings are also to be sent by email to all the parties as required by ARCAP Rule 10(h) and to SACrtdocs@courts.az.gov and Court staff when filed.
- Appellants have requested oral argument. Upon consideration,
- IT IS ORDERED this matter will be considered without oral argument. (Hon. William G. Montgomery)
6. 13-Aug-2024 FILED: Opening Brief; Certificate of Service; Certificate of Compliance (Appellants Raise The Wage, et al.)
7. 14-Aug-2024 FILED: Brief of Amici Curiae Warren Petersen, President of the Arizona State Senate, and Ben Toma, Speaker of the Arizona House of Representatives; Certificate of Service; Certificate of Compliance (Amicus Petersen/Toma)
8. 14-Aug-2024 FILED: Blanket Consent (Amicus Petersen/Toma)
9. 15-Aug-2024 RECEIPT No.: 2024-00211 ; \$280.00, Authorization: 8212483734573822, Applied to: RAISE THE WAGE AZ, et al. - Class A Filing Fee (\$280.00) Paid for: RAISE THE WAGE AZ, et al. - By nCourt LLC
10. 16-Aug-2024 FILED: Answering Brief of the Arizona Restaurant Association; Certificate of Service; Certificate of Compliance; Addendum (Intervenor The Restaurant Association)
11. 16-Aug-2024 FILED: Reply Brief; Certificate of Service; Certificate of Compliance (Appellants Raise The Wage, et al.)

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12 PROCEEDING ENTRIES

12. 22-Aug-2024 On August 7, 2024, Plaintiffs/Appellants Raise the Wage AZ, an Arizona political action committee, and Lupita Martinez filed their "Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference." In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellants, who advises he has conferred with counsel for Defendants State of Arizona and Secretary of State Fontes and Appellee/Intervenor the Arizona Restaurant Association. Court staff has been informally advised that the ballot printing deadline is August 22, 2024. It does not appear that any transcript will be filed. IT IS ORDERED the Secretary of State shall file a statement forthwith advising the Court of the last day to decide this matter. Upon consideration of this matter and agreement of the parties, IT IS ORDERED Appellants will file their opening brief (no more than 5,000 words) no later than 4:00 p.m. on Tuesday, August 13, 2024. IT IS FURTHER ORDERED that any amicus brief will be filed no later than 4:00 p.m. on Wednesday, August 14, 2024. The parties give blanket consent to the filing of amicus briefs. Notwithstanding such consent, any amicus brief not meeting the requirements of ARCAP 16(b)(1)(C) will be summarily stricken by the Court. IT IS FURTHER ORDERED Appellee/Intervenor will file its answering brief (no more than 3,000 words) no later than 11:00 p.m. on Friday, August 16, 2024. IT IS FURTHER ORDERED Appellants may file their reply brief (no more than 1,500 words) no later than 9:00 a.m. on Monday, August 19, 2024. If Appellants elect not to file a reply brief, they are to file a notice to that effect as soon as possible. Due to the expedited nature of these proceedings, the parties are encouraged to utilize shorter briefs and file their pleadings before their deadlines, if possible. IT IS FURTHER ORDERED briefs will be in a legible 14-point font, double-spaced, and will include all arguments the parties wish to present to the Court. They may be filed in memorandum format (no tables of contents or authorities). IT IS FURTHER ORDERED in addition to filing briefs with the Clerk of the Supreme Court (with filing and service through AZTurboCourt), all filings are also to be sent by email to all the parties as required by ARCAP Rule 10(h) and to SACrtDocs@courts.az.gov and Court staff when filed. Appellants have requested oral argument. Upon consideration, IT IS ORDERED this matter will be considered without oral argument. (Hon. Ann A. Scott Timmer)