

Arizona Supreme Court

Civil Election Appeal

CV-24-0187-AP/EL

MAKE ELECTIONS FAIR v BEN TOMA et al

Appellate Case Information

Case Filed: 13-Aug-2024

Case Closed:

Dept/Composition

Side 1. MAKE ELECTIONS FAIR PAC, Plaintiff/Appellee

(Litigant Group) MAKE ELECTIONS FAIR PAC

- Make Elections Fair Pac

Attorneys for: Plaintiff/Appellee

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Side 2. BEN TOMA, et al., Defendant/Appellant

(Litigant Group) BEN TOMA, et al.

- Ben Toma
- Warren Petersen
- Shawwna Bolick
- Sonny Borrelli
- Sine Kerr
- Travis Grantham
- Teresa Martinez
- Quang Nguyen

Attorneys for: Defendant/Appellant

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(Litigant Group) MITZI EPSTEIN, BRIAN FERNANDEZ, JUAN MENDEZ

- Mitzi Epstein
- Brian Fernandez
- Juan Mendez

Attorneys for: Defendant/Appellant

Elizabeth Higgins, Esq. (AZ Bar No. 28273)

(Litigant Group) LUPE CONTRERAS, NANCY GUTIERREZ, STEPHANIE STAHL HAMILTON

- Lupe Contreras
- Nancy Gutierrez
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(Litigant Group) ADRIAN FONTES

- Adrian P Fontes
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Attorneys for: Defendant/Appellant

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

Side 3. ARIZONA ATTORNEY GENERAL, Amicus Curiae

(Litigant Group) ARIZONA ATTORNEY GENERAL

- Arizona Attorney General's Office

Attorneys for: Amicus Curiae

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CASE STATUS

Aug 13, 2024....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-018789			Melissa Iyer Julian, Judge on PC		

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12 PROCEEDING ENTRIES

1. 13-Aug-2024 FILED: Defendants/Appellants' ARCAP 10 Statement and Request for Scheduling Conference; Certificate of Service; Exhibits (Appellants Toma, et al.)
2. 13-Aug-2024 On August 13, 2024, Defendants/Appellants Speaker of the House Ben Toma and President of the Senate Warren Petersen, et al., filed "Defendants/Appellants' ARCAP 10 Statement and Request for Scheduling Conference."
In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellants and Plaintiff/Appellee Make Elections Fair, a political action committee. Court staff has been informally advised that the publicity printing deadline is August 29, 2024.
The parties have advised that no transcripts will be required.
IT IS FURTHER ORDERED the Secretary of State shall file a statement forthwith advising the Court of the last day to decide this matter. The parties may likewise file a notice advising of any other timing concerns.
Upon consideration of this matter and agreement of the parties,
IT IS ORDERED Appellants will file their opening brief (no more than 3,000 words) no later than 4:00 p.m. on Friday, August 16, 2024.
IT IS FURTHER ORDERED that any amicus brief (no more than 1,500 words) will be filed no later than 9:00 a.m. on Monday, August 19, 2024. The parties give blanket consent to the filing of amicus briefs. 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 will file its answering brief (no more than 3,000 words) responding to the opening brief and any amicus briefs no later than 4:00 p.m. on Wednesday, August 21, 2024.
IT IS FURTHER ORDERED Appellants may file their reply brief (no more than 1,500 words) responding to the answering brief and amicus briefs no later than 4:00 p.m. on Friday, August 23, 2024. If Appellants elect not to file a reply brief, they will 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 Rule 10(h), Arizona Rules of Civil Appellate Procedure, and to SACrtdocs@courts.az.gov and Court staff when filed.
This matter will be considered without oral argument. Justice Bolick has recused himself from consideration of this matter. (Hon. William G. Montgomery)
3. 14-Aug-2024 Justice Bolick is recused and will not participate in the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Honorable Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court, is designated to sit on the case until it is finally determined. (Hon. Ann A. Scott Timmer)
4. 14-Aug-2024 FILED: Notice Regarding Printing Deadline; Certificate of Service (Appellant Fontes)
5. 13-Aug-2024 FILED: Record
6. 16-Aug-2024 FILED: Defendants/Appellants' Opening Brief; Certificate of Service; Certificate of Compliance (Appellants Toma, et al.)
7. 16-Aug-2024 FILED: The Attorney General's Amicus Brief in Support of Plaintiff/Appellee Make Elections Fair; Certificate of Service; Certificate of Compliance (Amicus Attorney General)
8. 16-Aug-2024 FILED: Appendix; Certificate of Service (Amicus Attorney General)
9. 16-Aug-2024 FILED: (Copy of) Order (ASC) Filed 8/13/24 (Amicus Attorney General)
10. 21-Aug-2024 FILED: Make Elections Fair Answering Brief; Certificate of Service; Certificate of Compliance (Appellee Make Elections Fair)
11. 21-Aug-2024 FILED: Legislative Democrats' Answering Brief; Certificate of Service; Certificate of Compliance (Appellants Contreras et al./Epstein, et al.)
12. 23-Aug-2024 FILED: Defendants/Appellants' Reply Brief; Certificate of Service; Certificate of Compliance (Appellants Toma, et al.)