

Arizona Supreme Court

Civil Special Action

CV-20-0098-SA

ARIZONANS FOR SECOND CHANCES et al v HOBBS

Appellate Case Information

Case Filed: 1-Apr-2020
Case Closed:

Dept/Composition

En Banc

Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. Andrew W. Gould
Hon. John R. Lopez
Hon. James P. Beene
Hon. William G. Montgomery

Side 1. ARIZONANS FOR SECOND CHANCES, REHABILITATION AND PUBLIC SAFETY (SPONSORED BY ASJ ACTION FUND); SMART AND SAFE ARIZONA; INVEST IN EDUCATION (SPONSORED BY AEA AND STAND FOR CHILDREN); and SAVE OUR SCHOOLS ARIZONA, Petitioner

(Litigant Group) ARIZONANS FOR SECOND CHANCES, REHABILITATION AND PUBLIC SAFETY (SPONSORED BY ASJ ACTION FUND); SMART AND SAFE ARIZONA; INVEST IN EDUCATION (SPONSORED BY AEA AND STAND FOR CHILDREN); and SAVE OUR SCHOOLS ARIZONA

- Arizonans for Second Chances Rehabilitation & Public Safety
- Smart and Safe Arizona
- Invest in Education Committee
- Save Our Schools Arizona

Attorneys for: Petitioners

Roopali H Desai, Esq. (AZ Bar No. 24295)
D Andrew Gaona, Esq. (AZ Bar No. 28414)
Kristen M Yost, Esq. (AZ Bar No. 34052)

Side 2. KATIE HOBBS, in her official capacity as Arizona Secretary of State, Respondent

(Litigant Group) KATIE HOBBS, in her official capacity as Arizona Secretary of State

- Katie Hobbs, Arizona State Senate

Attorneys for: Respondent

Gregrey G Jernigan, Esq. (AZ Bar No. 3216)
Roy Herrera, Esq. (AZ Bar No. 32901)
Daniel A Arellano, Esq. (AZ Bar No. 32304)

Side 3. MARK BRNOVICH, Arizona Attorney General, Intervenor

(Litigant Group) MARK BRNOVICH, Arizona Attorney General

- Mark Brnovich, Arizona Attorney General's Office

Attorneys for: Intervenor

Mark Brnovich, Esq. (AZ Bar No. 14134)
Joseph A Kanefield, Esq. (AZ Bar No. 15838)
Brunn W Roysden, III, Esq. (AZ Bar No. 28698)
Drew Curtis Ensign, Esq. (AZ Bar No. 25463)
Jennifer Wright, Esq. (AZ Bar No. 27145)
Anthony R Napolitano, Esq. (AZ Bar No. 34586)
Robert J Makar, Esq. (AZ Bar No. 33579)

Side 4. RUSSELL BOWERS, in his official capacity as the Speaker of the Arizona House of Representatives; KAREN FANN, in her official capacity as President of the Arizona Senate, Intervenor

(Litigant Group) RUSSELL BOWERS, in his official capacity as the Speaker of the Arizona House of Representatives; KAREN FANN, in her official capacity as President of the Arizona Senate

- Russell Bowers
- Karen Fann

Attorneys for: Intervenors

David J Cantelme, Esq. (AZ Bar No. 6313)
D Aaron Brown, Esq. (AZ Bar No. 22133)

Side 5. SCHARF-NORTON CENTER FOR CONSTITUTIONAL LITIGATION AT THE GOLDWATER INSTITUTE, Amicus Curiae

(Litigant Group) SCHARF-NORTON CENTER FOR CONSTITUTIONAL LITIGATION AT THE GOLDWATER INSTITUTE

- Goldwater Institute

Attorneys for: Amicus Curiae

Timothy Sandefur, Esq. (AZ Bar No. 33670)
Christina Sandefur, Esq. (AZ Bar No. 27983)

Side 6. ARIZONA FREE ENTERPRISE CLUB, Amicus Curiae

(Litigant Group) ARIZONA FREE ENTERPRISE CLUB

- Arizona Free Enterprise Club

Attorneys for: Amicus Curiae

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

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Side 7. PROFESSIONAL FIRE FIGHTERS OF ARIZONA, WILL HUMBLE, AND BRADLEY J. COHEN, Amicus Curiae

(Litigant Group) PROFESSIONAL FIRE FIGHTERS OF ARIZONA, WILL HUMBLE, AND BRADLEY J. COHEN

- Professional Fire Fighters of Arizona
- Will Humble
- Bradley J Cohen

Attorneys for: Amicus Curiae
 Daniel J Adelman, Esq. (AZ Bar No. 11368)

Side 8. LEAGUE OF WOMEN VOTERS OF ARIZONA, LT. COL. PHILIP ADELMAN (USAF RET.), AND BRIDGET OLSON, Amicus Curiae

(Litigant Group) LEAGUE OF WOMEN VOTERS OF ARIZONA, LT. COL. PHILIP ADELMAN (USAF RET.), AND BRIDGET OLSON

- League of Women Voters of Arizona
- Philip Adelman
- Bridget Olson

Attorneys for: Amicus Curiae
 Daniel J Adelman, Esq. (AZ Bar No. 11368)
 Spencer Garrett Scharff, Esq. (AZ Bar No. 28946)

Side 9. ARIZONA REPUBLICAN PARTY, Amicus Curiae

(Litigant Group) ARIZONA REPUBLICAN PARTY

- Arizona Republican Party

Attorneys for: Amicus Curiae
 Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
 John D Wilenchik, Esq. (AZ Bar No. 29353)

Side 10. PAUL BENDER, Amicus Curiae

(Litigant Group) PAUL BENDER

- Paul Bender

Attorneys for: Amicus Curiae
 Paul F Eckstein, Esq. (AZ Bar No. 1822)
 Austin Yost, Esq. (AZ Bar No. 34602)

Side 11. HON. KATE GALLEGO IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF PHOENIX; HON. CORAL EVANS IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF FLAGSTAFF; AND, HON. REGINA ROMERO, IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF TUCSON, Amicus Curiae

(Litigant Group) HON. KATE GALLEGO IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF PHOENIX; HON. CORAL EVANS IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF FLAGSTAFF; AND, HON. REGINA ROMERO, IN HER OFFICIAL CAPACITY AS MAYOR, CITY OF TUCSON

- Kate Gallego
- Coral Evans
- Regina Romero

Attorneys for: Amicus Curiae
 Shawn K Aiken, Esq. (AZ Bar No. 9002)

Side 12. SENATE MINORITY LEADER DAVID BRADLEY AND HOUSE MINORITY LEADER CHARLENE FERNANDEZ, Amicus Curiae

(Litigant Group) SENATE MINORITY LEADER DAVID BRADLEY AND HOUSE MINORITY LEADER CHARLENE FERNANDEZ

- David Bradley
- Charlene R Fernandez

Attorneys for: Amicus Curiae
 Lisette Flores, Esq. (AZ Bar No. 23641)
 Rhonda L Barnes, Esq. (AZ Bar No. 23068)
 Jane Ahern, Esq. (AZ Bar No. 34865)

CASE STATUS

Apr 1, 2020.....Pending

44 PROCEEDING ENTRIES

- 1-Apr-2020 FILED: Combined Petition for Special Action and Appendix; Certificate of Compliance; Request for Expedited Telephonic Scheduling Conference (Petitioners Arizonans for Second Chances et al.)
- 2-Apr-2020 FILED: Notice of Errata; Certificate of Service; Corrected Combined Petition for Special Action and Appendix (Petitioners Arizonans for Second Chances et al.)

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3. 2-Apr-2020 The Court is in receipt of the following pleadings filed April 2, 2020 by Petitioners Arizonans for Second Chances, Rehabilitation and Public Safety; Smart and Safe Arizona; Invest in Education, and Save Our Schools Arizona: a "Corrected Combined Petition for Special Action and Appendix," a "Notice of Errata," a "Certificate of Service" reflecting email service of the Notice of Errata and a "Request for Expedited Telephonic Scheduling Conference."
- IT IS ORDERED setting a telephonic scheduling conference for Friday, April 3, 2020 at 2:00 p.m. The Staff Attorneys' Office will separately provide the parties with the call-in information.
- IT IS FURTHER ORDERED that Petitioners will serve the respondent and all parties entitled to notice under A.R.S. § 12-1841 with all pleadings and this order by close of business today. Petitioners will file a certificate of service or a waiver of service no later than noon on April 3, 2020.
- IT IS FURTHER ORDERED as provided in Rule 7(d) of the Special Action Rules of Procedure, any parties that are served and appear in this proceeding may thereafter be served as provided under Rule 5(c)(2)(D) of the Arizona Rules of Civil Procedure by filing and service through AZTurboCourt and by separate email to all the parties. (Hon. Clint Bolick)
4. 3-Apr-2020 FILED: Notice of Filing Proof of Service and Notice of Compliance with A.R.S. § 12-1841; Certificate of Service (Petitioners Arizonans for Second Chances et al.)
5. 3-Apr-2020 FILED: Attorney General's Motion to Intervene; Certificate of Service (Intervenor Attorney General)
6. 3-Apr-2020 FILED: Proposed Intervenor-Respondent Attorney General's Pre-Telephonic Conference Memo; Certificate of Service (Intervenor Attorney General)
7. 3-Apr-2020 FILED: Motion of the Speaker of the Arizona House of Representatives and President of the Arizona Senate to Intervene Pursuant to A.R.S. 12-1841(D); Certificate of Service (Intervenor Speaker of the Arizona House of Representatives)
8. 3-Apr-2020 On April 3, 2020, the Court conducted a telephonic scheduling conference in this matter with the Staff Attorneys' Office. Appearing were Roopali Desai and Andrew Gaona on behalf of Petitioners; Beau Roysden, Joe Kanefield, and Drew Ensign on behalf of proposed intervenor Attorney General Brnovich; and Roy Herrera, Daniel Arellano and Bo Dul on behalf of Secretary of State Katie Hobbs in her official capacity. Also appearing were David Cantelme, Andrew Pappas, and Aaron Brown on behalf of proposed intervenors the Speaker of the Arizona House of Representatives and President of the Arizona Senate, ("Legislative Intervenors").
- IT IS ORDERED granting the motions to intervene filed by Attorney General Brnovich and Legislative Intervenors.
- IT IS FURTHER ORDERED any party who attended the telephonic conference that has not yet filed a pleading in the matter shall file a notice of appearance forthwith to alert the Clerk's office for noticing.
- IT IS FURTHER ORDERED any response to the Corrected Combined Petition for Special Action and Appendix will be filed no later than 5:00 p.m. on Friday, April 17, 2020. Any reply will be filed no later than 5:00 p.m. on Friday April 24, 2020. Any reply by the Legislative Intervenors will be limited to addressing the Governor's emergency powers if raised by the Attorney General. The Secretary of State may file both a response and reply.
- IT IS FURTHER ORDERED any amicus briefs will be filed no later than 5:00 p.m. on Monday, April 20, 2020 and any responses to the amicus briefs will be filed no later than 5:00 p.m. on Monday, April 27, 2020. Briefs and combined responses are limited to twenty (20) pages.
- IT IS FURTHER ORDERED directing the parties to notify the Court in writing of any change in circumstances concerning this matter.
- IT IS FURTHER ORDERED reserving the question of oral argument. The parties will be advised in due course. Hon. Clint Bolick
- IT IS FURTHER ORDERED granting the motions to intervene filed by Attorney General Brnovich and Legislative Intervenors. (Hon. Clint Bolick)
9. 6-Apr-2020 On the Court's own motion,
- IT IS ORDERED the Court will decide this matter without oral argument. (Hon. Clint Bolick)
10. 7-Apr-2020 RECEIPT No.: 2020-00402 ; \$280.00, Authorization: 819992450702261090, Applied to: ARIZONANS FOR SECOND CHANCES, REHABILITATION AND P - Class A Filing Fee (\$280.00) Paid for: ARIZONANS FOR SECOND CHANCES, REHABILITATION AND PUBLIC SAFETY (SPONSORED BY ASJ ACTION FUND); SMART AND SAFE ARIZONA; INVEST IN EDUCATION (SPONSORED BY AEA AND STAND FOR CHILDREN); and SAVE OUR SCHOOLS ARIZONA - By nCourt LLC
11. 8-Apr-2020 FILED: Notice of Filing of Supplemental Appendix Materials; Certificate of Service; Supplemental Appendix (Petitioners Arizonans for Second Chances et al.)
12. 14-Apr-2020 FILED: Brief Amicus Curiae of Goldwater Institute in Support of Intervenors Speaker of the Arizona House and President of the Arizona Senate with Consent; Certificate of Service; Certificate of Compliance (Amicus Curiae Goldwater Institute)

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13. 14-Apr-2020 FILED: Consents (To File Amicus Brief) (Amicus Curiae Goldwater Institute)
14. 16-Apr-2020 FILED: Amicus Curiae Brief of the Arizona Free Enterprise Club; Certificate of Service; Certificate of Compliance (Amicus Curiae AZ Free Enterprise Club)
15. 16-Apr-2020 FILES: The Arizona Free Enterprise Club's Motion to File Amicus Curiae Brief (Amicus Curiae AZ Free Enterprise Club)
16. 17-Apr-2020 The court has considered "The Arizona Free Enterprise Club's Motion to File Amicus Curiae." After consideration, IT IS ORDERED granting the motion. The brief shall be filed as of April 16, 2020. (Hon. Clint Bolick)
17. 17-Apr-2020 FILED: Response to Special Action Petition of Intervenors Speaker of the Arizona House of Representatives and President of the Arizona Senate; Certificate of Service; Certificate of Compliance (Intervenor Speaker of the Arizona House of Representatives)
18. 17-Apr-2020 FILED: Attorney General's Response Brief; Certificate of Service; Certificate of Compliance; Attorney General's Appendix (Intervenor Attorney General)
19. 17-Apr-2020 FILED: Response of Katie Hobbs in Her Official Capacity as Arizona Secretary of State; Certificate of Service; Certificate of Compliance; Declaration of SAMBO (BO) Dul (Respondent Katie Hobbs)
20. 17-Apr-2020 FILED: Attorney General's Notice of Decision in Related Case; Certificate of Service; District Court Decision (Intervenor Attorney General)
21. 20-Apr-2020 FILED: Brief of Amici Curiae Professional Fire Fighters of Arizona, Will Humble, and Bradley J. Cohen in Support of Petitioners with Consent; Certificate of Service; Certificate of Compliance (Amicus Curiae Professional Fire Fighters of AZ, et al)
22. 20-Apr-2020 FILED: Consent of all Parties (Amicus Curiae Professional Fire Fighters of AZ, et al)
23. 20-Apr-2020 FILED: Brief of Amici Curiae League of Women Voters of Arizona, Lt. Col. Philip Adelman (USAF Ret.), and Bridget Olson in Support of Petitioners with Consent; Certificate of Service; Certificate of Compliance (Amicus Curiae League of Women Voters of AZ, et al)
24. 20-Apr-2020 FILED: Consent of all Parties (Amicus Curiae League of Women Voters of AZ, et al)
25. 20-Apr-2020 FILED: Amicus Brief by Arizona Republican Party, with Consent; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Republican Party)
26. 20-Apr-2020 FILED: Consents of all Parties (Amicus Curiae Arizona Republican Party)
27. 20-Apr-2020 FILED: Brief of Amicus Curiae Paul Bender in Support of Petitioners/Plaintiffs (Filed with Written Consent of the Parties); Certificate of Service; Certificate of Compliance (Amicus Curiae Bender)
28. 20-Apr-2020 FILED: Certificate of Consent of Parties (Amicus Curiae Bender)
29. 20-Apr-2020 FILED: Brief of Amici Curiae Hon. Kate Gallego in her Official Capacity as Mayor, City of Phoenix; Hon. Coral Evans in her Official Capacity as Mayor, City of Flagstaff; and, Hon. Regina Romero, in her Official Capacity as Mayor, City of Tucson in Support of Petitioners with Consent of all Parties; Certificate of Service; Certificate of Compliance (Amicus Curiae Mayors)
30. 20-Apr-2020 FILED: Consent (Amicus Curiae Mayors)
31. 20-Apr-2020 FILED: Legislative Democrats Amicus Brief; Certificate of Service; Certificate of Compliance (Amicus Curiae Legislative Democrats)
32. 20-Apr-2020 FILED: Certificate of Consen (sic) (Amicus Curiae Legislative Democrats)
33. 21-Apr-2020 FILED: Motion for Procedural Order; Certificate of Service (Petitioners Arizonans for Second Chances et al.)
34. 22-Apr-2020 Petitioners, Arizonans for Second Chances, Rehabilitation and Public Safety, Smart and Safe Arizona, Invest in Education, and Save our Schools Arizona, filed a "Motion for Procedural Order" on April 21, 2020 seeking to file a single reply brief of up to 15,750 words in response to the three sets of respondents, rather than three separate briefs of up to 5,250 words each. As the Secretary of State's brief supports the relief sought by Petitioners,

IT IS ORDERED that Petitioners may, at their discretion, file a single reply brief not to exceed 13,000 words, rather than separate reply briefs. (Hon. Clint Bolick)
35. 23-Apr-2020 RECEIPT No.: 2020-00440 ; \$140.00, Authorization: 819992562250008994, Applied to: KATIE HOBBS, in her official capacity as Arizona S - Overpayment Class B (\$140.00) Paid for: KATIE HOBBS, in her official capacity as Arizona Secretary of State - By nCourt LLC
36. 24-Apr-2020 FILED: Reply in Support of Corrected Combined Petition for Special Action and Appendix; Certificate of Service; Certificate of Compliance (Petitioners Arizonans for Second Chances et al.)

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37. 24-Apr-2020 FILED: Reply of Katie Hobbs in Her Official Capacity as Arizona Secretary of State; Certificate of Service; Certificate of Compliance (Respondent Katie Hobbs)
38. 27-Apr-2020 FILED: Response to Amicus Briefs of Intervenor Speaker of the Arizona House of Representatives and President of the Arizona Senate; Certificate of Service; Certificate of Compliance (Intervenor Speaker of the Arizona House of Representatives)
39. 27-Apr-2020 FILED: Combined Response to Amici Curiae Briefs; Certificate of Service; Certificate of Compliance (Petitioners Arizonans for Second Chances et al.)
40. 27-Apr-2020 FILED: Combined Response to Briefs of Amici Curiae by Intervenor-Respondent Attorney General; Certificate of Service; Certificate of Compliance (Intervenor Attorney General)
41. 29-Apr-2020 FILED: Supplemental Citations of Legal Authority of Speaker of the Arizona House of Representatives and President of the Arizona Senate; Certificate of Service (Intervenor Speaker of the Arizona House of Representatives)
42. 29-Apr-2020 FILED: Notice of Citation to Supplemental Authority; Certificate of Service (Petitioners Arizonans for Second Chances et al.)
43. 13-May-2020 The Court en banc has considered Petitioners' "Corrected Combined Petition for Special Action and Appendix," the responses, replies and amicus briefs in this matter. Upon consideration,
- IT IS ORDERED accepting special action jurisdiction and denying relief. An opinion will issue in due course.
- Vice Chief Justice Timmer voted to grant relief. (Hon. Robert Brutinel)
44. 15-Jun-2020 FILED: Return of Payment in the amount of \$140.00, State of Arizona Warrant No. 110807 dated 6/10/2020 to Ballard Spahr, LLP for "Response of Katie Hobbs in Her Official Capacity as Arizona Secretary of State" filed by Respondent Katie Hobbs (See Dkt No. 19)