

**ARIZONA COURT OF APPEALS  
DIVISION TWO**

ARIZONA ALLIANCE FOR  
RETIRED AMERICANS, INC. and  
STEPHANI STEPHENSON,

Appellees,

v.

TOM CROSBY, ANN ENGLISH, and  
PEGGY JUDD, in their official  
capacities as the Cochise County Board  
of Supervisors; DAVID STEVENS, in  
his official capacity as the Cochise  
County Recorder; and LISA MARA, in  
her official capacity as the Cochise  
County Elections Director,

Appellants.

No. 2CA-CV2022-0136

Cochise County Superior Court  
No. CV2022-00518

**MOTION FOR A PROCEDURAL ORDER**  
*(Expedited Briefing Schedule and Consideration)*

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Appellants*

Appellants, pursuant to Arizona Rules of Civil Appellate Procedure 3, 5(b), and 6(b), respectfully request (i) an expedited briefing schedule and (ii) expedited review of this appeal and as good cause therefor state:

1. Prior to the 2022 General Election, the Cochise County Board of Supervisors voted to check the electronically tabulated totals for the election by performing an expanded hand count audit of 100% of all ballots cast. The day before the election, the trial court issued a writ of mandamus prohibiting Cochise County from conducting a 100% hand count. In this appeal, Cochise County seeks immediate review of the trial court order. Such immediate review is necessary because, by law, this hand count must be **completed** prior to the canvass in late November. This case is a good candidate for expedited review because of the statewide importance of the issue, the urgency of resolution, and the fact that this case primarily involves issues of pure law.

2. Appellants, Defendants below, seek reversal of the trial court order.

3. Accordingly, Appellants respectfully urge that the court order an expedited briefing schedule, with any briefing and oral argument completed no later than **November 15, 2022**, and a decision rendered as immediately as possible thereafter.

4. “[A]n appellate court—to expedite its decision or for other good cause—may suspend any provision of these Rules in a particular case...and may

order such proceedings as the court directs.” Ariz. R. Civ. App. P. 3(a). As well, “[a]n appellate court for good cause may shorten or extend the time for doing any act required by these Rules, a court order, or an applicable statute.” Ariz. R. Civ. App. P. 5(b).

5. This is a motion for a procedural order, as it “does not substantially affect the rights of the parties or the ultimate disposition of the appeal.” Ariz. R. Civ. App. P. 6(b)(1).

6. Pursuant to Rule 6(b)(1)(B), Alexander Kolodin has conferred via email with counsel for Appellees (Lali Madduri). Ms. Madduri was not able to give her client’s position on the phone and stated she would get back to us with their position.

WHEREFORE, based on the foregoing, Appellants respectfully ask that this Court enter an order expediting the schedule for briefs and any oral argument in this case.

RESPECTFULLY SUBMITTED this 10th day of November 2022.

**Davillier Law Group, LLC**

By: /s/ Veronica Lucero  
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## **CERTIFICATE OF COMPLIANCE**

Pursuant to Arizona Rules of Civil Appellate Procedure Rule 4, the undersigned counsel certifies that the Motion for a Procedural Order (Expedited Briefing Schedule and Consideration) is double spaced and uses a proportionately spaced typeface (i.e., 14-point Times New Roman) and contains 377 words according to the word-count function of Microsoft Word.

RESPECTFULLY SUBMITTED this 10th day of November, 2022.

**Davillier Law Group, LLC**

By: /s/ Alexander Kolodin

Alexander Kolodin

Veronica Lucero

Roger Strassburg

*Attorneys for Appellants*

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 10<sup>th</sup> day of November 2022, a copy of the foregoing Motion for Procedural Order (Expedited Briefing Schedule and Consideration) was electronically filed. The undersigned also certifies that a copy of Motion for Procedural Order (Expedited Briefing Schedule and Consideration) was emailed to:

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