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5 *Attorneys for Defendants*
6 *Tom Crosby, Ann English, and Peggy Judd,*
7 *In their official capacities as the Cochise County Board of Supervisors*

8
9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
10 IN AND FOR THE COUNTY OF COCHISE

11 ARIZONA ALLIANCE OF RETIRED
12 AMERICANS, INC. and STEPHANIE
STEPHENSON,

13 Plaintiffs,

14 v.

15 TOM CROSBY, ANN ENGLISH,
16 PEGGY JUDD, in their official capacities
17 as members of the Cochise County Board
of Supervisors, and COCHISE COUNTY,
a political Subdivision of Arizona

18 Defendants.

Case No.: CV 202200552
Hon. Casey McGinley Division IV Courtroom

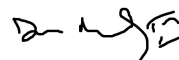
**MOTION FOR NOTICE OF
CHANGE OF JUDGE**

Date: 12/01/2022
Time: 1:00 PM
Phone: 520-432-8500

19 **MOTION**

20 Pursuant to Ariz. R. Civ. P. 42.1 defendants Tom Crosby, Ann English, and Peggy Judd,
21 In their official capacities as the Cochise County Board of Supervisors (collectively
22 “Defendants”) hereby exercises the right to change of Judge in this matter. The name of the Judge
23 to whom this matter is the Honorable Casey McGinley. This notice is timely under Rule 42.1(c).
24 No waiver has occurred under Rule 42.1(d). Defendant has not been granted a change of a judge
25 as a matter of right previously in the action.

26 Dated: December 1, 2022



27 Daniel J McCauley III,
28 Attorney for Defendants

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18 Defendants.

Case No.: CV 202200552
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**AFFIDAVIT IN SUPPORT OF MOTION FOR
NOTICE OF CHANGE OF JUDGE**

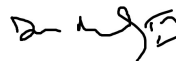
Date: 12/01/2022
Time: 1:00 PM
Phone: 520-432-8500

19 I, Daniel J McCauley III, declare that I have personal knowledge of the facts contained in
20 this affidavit, and if called as a witness, I could and would testify competently to the facts as
21 stated herein.

22 The Honorable Casey McGinly, the judge presiding over the case *sub judice*. I believe that
23 Defendants can not have a fair and impartial trial or a hearing before this Judge.

24 I declare under penalty of perjury under the laws of the State of Arizona that the foregoing
25 is true and correct.

26 Dated: December 1, 2022



27 Daniel J McCauley III,
28 Attorney for Defendants

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18 Defendants.

Case No.: CV 202200552

Hon. Casey McGinley Division IV Courtroom

**ORDER AND NOTICE OF CHANGE OF
JUDGE**

19 The written motion of the Defendants Tom Crosby, Ann English, and Peggy Judd, In their
20 official capacities as the Cochise County Board of Supervisors for the Notice of Change of Judge
21 of the Honorable Casey McGinley of the above-captioned Court, and the supporting affidavit
22 under penalty of perjury of Daniel J McCaulley III, have been duly presented and filed. It is
23 established, as provided in Ariz. R. Civ. P. 42.1 that the Honorable Casey McGinley, is
24 prejudiced against the Defendants or the interest of that party in the above-entitled matter.

25 THEREFORE, IT IS HEREBY ORDERED that the Honorable Casey McGinley is
26 relieved from HIS assignment as a judge in the above-entitled matter, and from any and all other
27 assignments in this cause, and that the hearing shall proceed before the Honorable

28 _____, in Department _____ of this court, at the time now set for

1 the hearing.

2 **IT IS SO ORDERED.**

3
4 Dated: _____

5 Judge of the Superior Court
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PROOF OF SERVICE

I, Daniel J McCauley III, am over the age of 18 and not a party to this action.
I am a resident of or employed in the county where the electronic service occurred; my
business/residence address is: 6638 E Ashler Hills Dr Cave Creek, AZ 85331-6638

On the date below, I filed a true and correct copy of the original of the attached
documents with the Clerk of the Superior Court in Cochise County. I served the foregoing
document(s) to the fax number below described as:

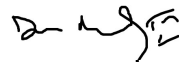
**MOTION FOR NOTICE OF JUDGE CHANGE, AFFIDAVIT IN SUPPORT OF MOTION
AND [PROPOSED] ORDER ISO**

The following party was served:

Herrera Arellano LLP and Ellias Law Group LLP
Attorneys for Plaintiffs
Fax: (202) 968-4498

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is
true and correct.

Dated: December 1, 2022



Daniel J McCauley III,
Attorney for Defendants