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**IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

ARIZONA FREE ENTERPRISE CLUB, an  
Arizona nonprofit corporation; *et al.*,

Plaintiffs,

v.

ADRIAN FONTES, in his official capacity as  
the Secretary of State of Arizona, *et al.*,

Defendants.

No. S-1300-CV-202300202

**PLAINTIFFS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

(Assigned to the Hon. John Napper)

The Plaintiffs respectfully submit this notice of supplemental authority in support of their Consolidated Response to the Motions to Dismiss (the "Response"). Subsequent to the filing of the Response on June 16, 2023, undersigned counsel became aware of case law relating to the doctrine of voluntary cessation, which limits a defendant's ability to change the circumstances in which a defendant can avoid litigation by ceasing the challenged practice or policy, particularly when the cessation post-dates the initiation of litigation. *See* Response p. 11:

- *Pointe Resorts, Inc. v. Culbertson*, 158 Ariz. 137, 141, 761 P.2d 1041, 1045 (1988) (“[U]sually a defendant cannot by its own voluntary conduct ‘moot’ a case and deprive a court of jurisdiction.”).

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- *State ex rel. Babbitt v. Goodyear Tire & Rubber Co.*, 128 Ariz. 483, 486, 626 P.2d 1115, 1118 (App. 1981) (“[V]oluntary cessation of the questioned practices will not automatically moot the injunctive remedy. This is especially so when the practices are discontinued subsequent, rather than prior, to commencement of the litigation.”).

RESPECTFULLY SUBMITTED this 13th day of July, 2023.

STATECRAFT PLLC

By: /s/ Kory Langhofer  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 13, 2023, I electronically transmitted the attached  
3 document to the Clerk's Office using the TurboCourt System for filing and transmittal of  
4 a Notice of Electronic Filing to the following TurboCourt registrants:

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