

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION 3 COURTROOM 304
HON. TINA R. AINLEY
CASE NO. S1300CV202400175

DONNA McQUALITY, CLERK
BY: T. POCIUS, DEPUTY
DATE: APRIL 3, 2024

FILED
Date: **April 3, 2024**
3 o'clock p.m.
Donna McQuality, Clerk
By: **T. Pocius**
Deputy

TITLE:
STRONG COMMUNITIES FOUNDATION
OF ARIZONA INCORPORATED et al.,
(Plaintiffs)

COUNSEL:
James K. Rogers
America First Legal Foundation (e)
(For Plaintiffs Strong Communities Foundation
of Arizona Incorporated, Eric Lovelis, William
Joseph Appleton, and Laura Harrison)

Jennifer J. Wright
Jennifer Wright Esq. (e)
(For Plaintiffs Strong Communities Foundation
of Arizona Incorporated, Eric Lovelis, William
Joseph Appleton, and Laura Harrison)

vs
YAVAPAI COUNTY et al.,
(Defendant)

Michael J. Gordon / Thomas M. Stoxen
Yavapai County Attorney's Office (e)
(For Defendant Yavapai County, Craig L.
Brown, James S. Gregory, Donna G.
Michaels, Mary Mallory, and Harry B. Oberg)

*Thomas P. Liddy / Joseph E. La Rue / Jack L. O'Connor III /
Rosa Aguilar*
Maricopa County Attorney's Office (e)
ca-civilmailbox@mcao.maricopa.gov
(For Defendant Maricopa County, Bill Gates,
Steve Gallardo, Thomas Galvin, Clint Hickman,
Jack Sellers, and Stephen Richer)

Brett W. Johnson / Eric H. Spencer / Colin P. Ahler / Ian Joyce
Snell & Wilmer, LLP (e)
(For Defendant Maricopa County, Bill Gates,
Steve Gallardo, Thomas Galvin, Clint Hickman,
Jack Sellers, and Stephen Richer)

Rose Marie Winkeler
Flagstaff Law Group (e)
(For Defendants Coconino County, Jeronimo
Vasquez, Patrice Horstman, Adam Hess, Judy
Begay, Lena Fowler, and Patty Hansen)

David A. Gaona / Austin C. Yost
Coopersmith Brockelman, PLC (e)
(For Intervenors Arizona Alliance for Retired
Americans and Voto Latino)

*Lalitha D. Madduri / Daniel J. Cohen / Elena Rodriguez
Armenta, Pro Hac Vice*
Elias Law Group LLP (e)
(For Intervenors Arizona Alliance for Retired
Americans and Voto Latino)

HEARING ON:
Oral Argument

NATURE OF PROCEEDINGS

COURT REPORTER
FTR Gold

START TIME: 1:33 p.m.

APPEARANCES: James K. Rogers and Jennifer J. Wright, Co-Counsel for all Plaintiffs
Joseph E. La Rue, Thomas P. Liddy, Jack L. O'Connor III, and Rosa Aguilar, Counsel
for all Maricopa County Defendants
Ian Joyce, Outside Counsel for all Maricopa County Defendants
Thomas M. Stoxen and Michael J. Gordon, Counsel for all Yavapai County Defendants
Michelle M. Burchill, Defendant
Rose Marie Winkeler, Counsel for all Coconino County Defendants
Austin C. Yost, Co-Counsel for Proposed Intervenor Arizona Alliance for Retired
Americans and Voto Latino (TEAMS)
Lalitha D. Madduri, Pro Hac Vice, Co-Counsel for Proposed Intervenor Arizona Alliance
for Retired Americans and Voto Latino (TEAMS)

This is the time set for an Oral Argument on Maricopa County's Motion to Change Venue and/or to Dismiss, Coconino County joined in on Motion to Dismiss based on venue, and Rule 4 of the Arizona Rules involving Special Action.

Co-Counsel Yost for Proposed Intervenor informs the Court that they have submitted Ms. Madduri's papers to the State Bar and once processed they will be filing them.

The Court notes that it has not ruled on the Intervenor's Motion wanting to first get venue established.

The Court further notes that it has reviewed the Maricopa County Motion for Change of Venue, the Response filed by Yavapai County and the Response filed by Coconino County, each raising the issue related to jurisdiction and venue for special actions under Rule 4.

Counsel La Rue for all Maricopa County Defendants presents oral argument.

Counsel Winkeler for all Coconino County Defendants states that the Maricopa County's Reply in support of their Motion fully addresses the Rule 4 issue and has nothing to add.

Counsel Gordon for all Yavapai County Defendants informs the Court they do not object to the transfer of venue.

Counsel Rogers for all Plaintiffs presents oral argument.

Counsel La Rue for all Maricopa County Defendants presents closing remarks.

At 2:11 p.m. the court takes a brief recess.

~~~~~ Recess ~~~~~

At 2:22 p.m. the Court reconvenes with all Parties and Counsel previously announced present.

The Court *DENIES* the Motion for Discretionary Transfer to Maricopa County.

The Court takes up the Motion to Intervene.

Counsel Yost for all Proposed Intervenor rests on their papers.

Counsel Rogers for all Plaintiffs rests on their papers.

The Court *ALLOWS* Arizona Alliance for Retired Americans and Voto Latino to Intervene in this action.

The Court notes there is a pending Motion on the Judgment on the Pleadings filed by Maricopa County. Counsel Winkler for all Coconino County Defendants and Counsel Gordon for all Yavapai County Defendants confirm they have joined in this Motion.


Counsel Yost for all Intervenors informs the Court that they will file a Motion to Dismiss, a Motion for Judgment on the Pleadings, or an Answer. The Court states that if they agree with Maricopa County Motion, they can join in on that without the other filings. The Court gives a deadline of **April 9, 2024**, for Intervenor's filing and Plaintiff's deadline for filing a Response to whichever Motion is filed by Intervenors of **April 22, 2024**.

The Court sets Oral Argument for **May 3, 2024, at 1:30 p.m.**, with two hours allotted.

The Court directs the Parties to confer and recommend stipulated dates for trial by **April 29, 2024**.

Counsel Rogers for all Plaintiffs informs the Court they may be filing a Motion for Judgment on the Pleadings just on the unstaffed drop box issue. The Court gives a deadline of **April 9, 2024**, for that filing and a deadline for Parties to file any Response of **April 22, 2024**. The Court will take this matter up at the May 3, 2024, hearing.

**END TIME: 2:36 p.m.**



The Honorable Tina R. Ainley  
JUDGE OF THE SUPERIOR COURT