

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-021234

03/28/2017

HON. RANDALL H. WARNER

CLERK OF THE COURT  
K. Ballard  
Deputy

PHILIP HALL, et al.

RON KILGARD

v.

ELECTED OFFICIALS RETIREMENT PLAN,  
THE, et al.

BENNETT EVAN COOPER

CHARLES A GRUBE  
JUDGE BARTON

RECUSAL

The Supreme Court has issued its mandate remanding this matter. At the time this case was filed, all judges of this court were members of the Elected Officials Retirement Plan (EORP). Consequently, under the “rule of necessity,” judges who were EORP members made the legal rulings that were appealed and ultimately decided by the Supreme Court. *See Fields v. Elected Officials’ Ret. Plan*, 234 Ariz. 214, 218, 320 P.3d 1160, 1164 (2014) (“The rule of necessity establishes that a judge is not disqualified because of a personal interest if no other judge is available to decide the case.”). Now that there are Superior Court judges who are not EORP members, the rule of necessity no longer applies. This court therefore recuses so a non-EORP judge can be assigned.

**IT IS ORDERED** referring this matter to Presiding Judge Barton for reassignment.