

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-008573

06/12/2012

HONORABLE MARK H. BRAIN

CLERK OF THE COURT  
T. Nosker  
Deputy

JOSEPH MORONES, et al.

ELLEN SUE KATZ

v.

TOM HORNE, et al.

DAVID P WEINSTEIN

PETER A GENTALA  
TIMOTHY M HOGAN  
REX C NOWLAN

HEARING/  
ORAL ARGUMENT SET

Courtroom ECB-814

10:02 a.m. This is the time set for Order to Show Cause Hearing. Plaintiff is represented by counsel, Ellen Sue Katz and Timothy M. Hogan. Defendant, Tom Horne, is represented by counsel, David P. Weinstein. Defendant, Doug Ducey, is represented by counsel, Rex C. Nowlan. Peter A. Gentala is present on behalf of the Intevenors.

Court reporter, Lisa Bradley, is present.

Court and counsel discuss status of the case. The parties stipulate that the Attorney General shall not transfer the \$50 million to the General Fund before December 31, 2012. Therefore, IT IS SO ORDERED.

10:14 a.m. Court stands at recess.

10:25 a.m. Court reconvenes with the parties and respective counsel present.

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Court reporter, Lisa Bradley, is present.

Discussion is held regarding scheduling.

IT IS ORDERED as follows:

Defendants' Response to Plaintiffs' Motion for Temporary Restraining Order and any cross motions shall be filed on or before **July 10, 2012**.

Plaintiffs' Reply/Response shall be filed by **August 3, 2012**.

Defendants' reply to their cross motions shall be filed by **August 10, 2012**.

IT IS FURTHER ORDERED setting an Oral Argument on **August 22, 2012 at 9:30 a.m. (2.5 hours)** in this division.

IT IS FURTHER ORDERED as follows:

If extended oral argument is necessary, counsel must so advise the Court no later than **four (4) court days prior** to the date set for hearing so that oral argument can be rescheduled.

Any motion or stipulation for continuance must be filed with the Court no later than **four (4) court days prior** to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

**DISCOVERY DISPUTES:** In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division BEFORE filing a motion to compel or motion for protective order.

**Please Note:** Judge Brain's division will be moving to the following address for all hearings on or after **June 25, 2012**. This will be an FTR division. Any requests for a court reporter will need to be made three (3) days prior to a hearing.

**JUDGE MARK BRAIN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 WEST JEFFERSON  
4th FLOOR, COURTROOM 413  
PHOENIX, AZ 85003**

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**602-372-1141 TEL**

10:30 a.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.