

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-011491

11/05/2021

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
C. Ladden
Deputy

ARIZONA FREE ENTERPRISE CLUB, et al.

THOMAS J. BASILE

v.

KATIE HOBBS, et al.

SPENCER G SCHARFF

DAVID ANDREW GAONA
KORY A LANGHOFER
KRISTEN YOST
ROOPALI HARDIN DESAI
SAMBO DUL
MICHAEL S CATLETT
COURT ADMIN-CIVIL-ARB DESK
DOCKET-CIVIL-CCC
JUDGE COOPER

ORAL ARGUMENT HELD – MATTERS UNDER ADVISEMENT

East Court Building – Courtroom 711

9:02 a.m. This is the time set for Oral Argument on Plaintiffs' Motion for Preliminary Injunction filed on July 28, 2021 and Defendants' Motion to Dismiss filed on October 1, 2021. Plaintiffs are represented by counsel, Thomas J. Basile and Kory A. Langhofer, who are appearing in person. Defendant Katie Hobbs (in her official capacity as the Arizona Secretary of State) is represented by counsel, Spencer G. Scharff and general counsel Sambo "Bo" Dul, who are appearing virtually via Court Connect. Defendant/Real Party in Interest Invest in Arizona Sponsored by AEA and Stand for Children is represented by counsel, David Andrew Gaona, Roopali Desai and Kristen Yost, who are appearing in person. Amicus Curiae Mark Brnovich (in

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-011491

11/05/2021

his official capacity as the Arizona Attorney General) is represented by counsel, Michael Catlett and Jillian Francis, who are appearing virtually via Court Connect.

Court Reporter, Michele Kaley, is present. A record of the proceedings is also made digitally.

Argument is presented on Plaintiffs' Motion for Preliminary Injunction filed on July 28, 2021 and Defendants' Motion to Dismiss filed on October 1, 2021 simultaneously.

Discussion is held regarding the briefing schedule and a proposed Scheduling Order for the new matter CV2021-016143 – **SEE BELOW**.

IT IS ORDERED taking the matters of Plaintiffs' Motion for Preliminary Injunction filed on July 28, 2021 and Defendants' Motion to Dismiss filed on October 1, 2021 under advisement.

IT FURTHER ORDERED that the parties shall provide **SUPPLEMENTAL BRIEFING** regarding case law or other recognized authority

1. The trial court's obligation to follow the Supreme Court even if there is contrary authority by the Court of Appeal.
2. The definition of "appropriation" in the context of the Arizona Constitution's "support and maintenance" exemption or other relevant context(s).

The parties shall submit **no more than 2 pages on each area** with the case law/authority attached by **November 12, 2021**.

SCHEDULING RE CV2021-016143 (signature case)

The parties have met and conferred regarding a proposed Scheduling Order. Ms. Desai states that the parties have identified four claims (1B, 3A, 3B, and 3D) that present legal issues. Resolution of those legal issues may impact the more fact-intensive issues regarding the signatures. The proposed Scheduling Order relates to the filing of cross-motions for summary judgment and responses on the four legal claims

Counsel agree that CV2021-016143 case become moot depending on the Court's ruling in CV2021-011491. There will be no signature challenge in CV2021-016143 if the Court rules in favor of Plaintiffs on the motions argued today in CV2021-011491 as the remaining measure at issue will not be referable. The Court will consider staying briefing on the signature challenge

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-011491

11/05/2021

but directs counsel to go ahead and submit the proposed Scheduling Order for the Court's consideration.

10:19 a.m. Matter concludes.