

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-007344

12/09/2015

HON. ROGER E. BRODMAN

CLERK OF THE COURT
M. Corriveau
Deputy

VINCE LEACH, et al.

BRETT W JOHNSON

v.

ARIZONA INDEPENDENT REDISTRICTING
COMMISSION, et al.

MARY R O'GRADY

BRIAN M BERGIN
PAULA S BICKETT
JOSHUA CARDEN
BROCK J HEATHCOTTE
ADRIANE J HOFMEYR
PAUL K CHARLTON
ROOPALI HARDIN DESAI
BRIAN SCHULMAN

ORAL ARGUMENT SET

Courtroom: ECB 413

2:33 p.m. This is the time set for Telephonic Status Conference. Appearances are as follows:

- Intervenor, Commissioner Chair Colleen Mathis is represented by counsel, Paul K. Charlton and Quintin H. Cushner;
- Plaintiffs are represented by counsel, Sara Agne;

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- Defendant Arizona Independent Redistricting Commission is represented by counsel, Brian Schulman, Joseph A. Kanefeld, Kristin Windtberg, and Colin Campbell;
- Defendant Secretary of State is represented by counsel, Brock Heathcotte, James Driscoll-MacEachron, Jennifer M. Perkins and Kara Karlson;
- Defendant Commissioner Linda McNulty is represented by counsel, Roopali Desai;
- Defendant Commissioner Scott Freeman is present telephonically and represented by counsel, Brian M. Bergin;
- Defendant Commissioner Richard Stertz is represented by counsel, Adriane Hofmeyr.
- All counsel appear telephonically.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding pending deposition schedule and Intervenor AIRC Commissioner Colleen Mathis' Emergency Application to Intervene for the Limited Purpose of Asserting the Attorney-Client Privilege and to Disqualify Former Counsel pleading filed December 7, 2015 and Intervenor AIRC Commissioner Colleen Mathis' Emergency Motion to Disqualify Former Counsel.

For the reasons set forth on the record,

IT IS ORDERED denying the motion to continue depositions.

IT IS FURTHER ORDERED that any responses to the Intervenor AIRC Commissioner Colleen Mathis' Emergency Application to Intervene for the Limited Purpose of Asserting the Attorney-Client Privilege and to Disqualify Former Counsel and Intervenor AIRC Commissioner Colleen Mathis' Emergency Motion to Disqualify Former Counsel shall be filed and electronically mailed by close of business on **December 17, 2015**.

IT IS FURTHER ORDERED that any replies shall be filed and electronically mailed by close of business on **December 23, 2015**.

IT IS FURTHER ORDERED setting this matter for oral argument on **January 4, 2016 at 10:00 a.m.** before:

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The Honorable Roger Brodman
Maricopa County Superior Court
East Court Building, Fourth Floor
101 West Jefferson, Courtroom 413
Phoenix, AZ 85003
Phone: 602-372-2943

Counsel shall appear in person or alternatively advise court staff in advance of the hearing of their intention to appear telephonically.

IT IS ORDERED that all Motions, Responses, Replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any Motion within a responsive pleading. All Motions are to be filed separately and designated as such.

The proceedings will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.**

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. **To request a transcript call 602-506-7100** and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address and telephone number. If a court reporter is required, the court must receive a request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

IF ANY ISSUES IN THE MOTION RELATE TO DISCOVERY PROBLEMS, COUNSEL SHALL CONFER TO ATTEMPT TO RESOLVE THEIR DIFFERENCES OR TO REDUCE THE AREAS OF DISPUTE. COUNSEL ARE REMINDED THAT THE COURT WILL LIKELY IMPOSE SANCTIONS AGAINST THE LOSING PARTY IN ACCORDANCE WITH RULE 37(a)(4), RULES OF CIVIL PROCEDURE.

IT IS FURTHER ORDERED:

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

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

All memoranda and affidavits regarding the motion must be filed and copies lodged with this division no later than four court days prior to the date set for hearing.

Counsel are advised that if the answering memorandum is not timely filed in accordance with the Arizona Rules Of Civil Procedure, oral argument may be vacated and the motion will be ruled upon in accordance with Rule 7.1 (b), A.R.C.P.

No agreement by the parties to modify the pleading schedule will be honored by the Court unless the Court is notified and approves the parties' agreement. Any such agreement will not change the argument date without a court Order and will, in any event, require that all motions are fully briefed and at issue not later than one full week before the argument date.

3:04 p.m. Matter concludes.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.