

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 22-0765****ARIZONA CREDITORS, et al. v. STATE/ARIZONANS****Appellate Case Information**

Case Filed: 22-Dec-2022

Case Closed:

**Dept/Composition****Department D**

Hon. David D Weinzweig

Hon. Michael S Catlett

Hon. Maria Elena Cruz

**Side 1. ARIZONA CREDITORS BAR ASSOCIATION, INC., et al., Plaintiff/Appellant/Cross-Appellee****(Litigant Group) ARIZONA CREDITORS BAR ASSOCIATION, INC., et al.**

- Arizona Creditors Bar Association
- Protect Our Arizona PAC
- Absolute Resolutions Investments LLC
- The Hameroff Law Group PC
- Desert Ridge Community Association
- Augusta Ranch Community Master Association
- Bauhinia LLC
- Cash Time Title Loans Inc

**Attorneys for: Plaintiff/Appellant/Cross-Appellee**

Brett William Johnson, Esq. (AZ Bar No. 21527)

Benjamin W Reeves, Esq. (AZ Bar No. 25708)

Tracy Olson, Esq. (AZ Bar No. 34616)

Ryan Hogan, Esq. (AZ Bar No. 36169)

Charlene Anne Warner, Esq. (AZ Bar No. 37169)

**Side 2. STATE OF ARIZONA, Defendant/Appellee/Cross-Appellant****(Litigant Group) STATE OF ARIZONA**

- State of Arizona

**Attorneys for: Defendant/Appellee/Cross-Appellant**

Hayleigh S Crawford, Esq. (AZ Bar No. 32326)

Luci Danielle Davis, Esq. (AZ Bar No. 35347)

**Side 3. ARIZONANS FED UP WITH RISING HEALTHCARE, et al., Intervenor/Appellee/Cross-Appellant****(Litigant Group) ARIZONANS FED UP WITH RISING HEALTHCARE, et al.**

- Arizonans Fed Up with Rising Healthcare
- Healthcare Rising AZ

**Attorneys for: Intervenor/Appellee/Cross-Appellant**

Jacqueline Mendez Soto, Esq. (AZ Bar No. 22597)

James E Barton, II, Esq. (AZ Bar No. 23888)

Daniella Anais Fernandez Lertzman, Esq. (AZ Bar No. 037943)

**Side 4. ACA INTERNATIONAL, Amicus Curiae****(Litigant Group) ACA INTERNATIONAL**

- Association of Credit and Collection Professionals

**Attorneys for: Amicus Curiae**

S. Greg White, Esq. (TX Bar No. 21329050)

Angela Laughlin Brown, Esq. (TX Bar No. 24034533)

Jim Moseley, Esq. (TX Bar No. 14569100)

**Side 5. COMMUNITY ASSOCIATIONS INSTITUTE, Amicus Curiae****(Litigant Group) COMMUNITY ASSOCIATIONS INSTITUTE**

- Community Associations Institute

**Attorneys for: Amicus Curiae**

Chad M Gallacher, Esq. (AZ Bar No. 25487)

**Side 6. GOLDWATER INSTITUTE, ET AL., Amicus Curiae****(Litigant Group) GOLDWATER INSTITUTE, ET AL.**

- Goldwater Institute
- Greater Flagstaff Chamber of Commerce
- Bruce Ash
- Mark Blosser
- Virginia Blosser

**Attorneys for: Amicus Curiae**

Christina Sandefur, Esq. (AZ Bar No. 27983)

Timothy Sandefur, Esq. (AZ Bar No. 33670)

**CASE STATUS****Apr 30, 2024.....Decision Rendered**

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 22-0765**

**ARIZONA CREDITORS, et al. v. STATE/ARIZONANS**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-015921	Injunctive and Declaratory Relief		John L Blanchard, Authoring Judge of Order		

### DESCENDENT CASE(S)

ASC T-22-0009-CV  
ASC T-23-0003-CV

### OPEN DUE DATE

**Petition for Review to ASC due** **Due By:** Thursday, May 30, 2024  
Re: *OPINION (Affirmed) Hon Maria Elena Cruz - Author; Hon David D Weinzweig - Concur; Hon Michael S Catlett - Concur*

### CASE DECISION

**30-Apr-2024 OPINION**

Maria Cruz.....Author  
David Weinzweig.....Concur  
Michael Catlett.....Concur

Filed: **30-Apr-2024**

Mandate:

Decision Disposition

**Affirmed**

### 55 PROCEEDING ENTRIES

- 22-Dec-2022 FILED: Plaintiffs-Appellants' Rule 3(A) Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Plaintiffs' Notice of Appeal; Certificate of Service (Appellant)
- 23-Dec-2022 ORDERED: Plaintiffs-Appellants' Rule 3(A) Motion to Suspend Rules and Expedite Briefing Schedule for Appeal (Appellant) = DENIED without prejudice to the parties filing briefs as quickly as they wish before the due dates. Hon Kent E Cattani - Author
- 23-Dec-2022 FILED: Case Management Statement (Appellant)
- 23-Dec-2022 FILED: Reporter's Transcript - 12/07/2022 - Order to Show Cause (Luz Franco)
- 23-Dec-2022 FILED: Reporter's Transcript - 12/16/2022 - Oral Argument (Luz Franco)
- 28-Dec-2022 RECEIPT No.: 2022-01302 ; \$280.00, Authorization: #62011344301, Applied to: ARIZONA CREDITORS BAR ASSOCIATION, INC., et al. - Class A Filing Fee (\$280.00) Paid for: Snell & Wilmer LLP - By nCourt LLC
- 28-Dec-2022 FILED: ASC Order filed 12/28/2022 re: denying the Petition for Transfer
- 28-Dec-2022 FILED: Physical Exhibits: Hearing Date 12/12/22 - List and #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 in manila envelope
- 29-Dec-2022 FILED: Record on Appeal: Combined Instruments/Minute Entries
- 3-Jan-2023 FILED: Appellate Clerk Notice Re: Cross-Appellant's Fee and Case Management Statement Due/Appellant's Brief Due
- 4-Jan-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee/Cross-Appellant Arizonans Fed)
- 9-Jan-2023 RECEIPT No.: 2023-00030 ; \$140.00, Authorization: #09005298206, Applied to: ARIZONANS FED UP WITH RISING HEALTHCARE, et al. - Class A Filing Fee (\$140.00) Paid for: Barton Mendez Soto PLLC - By nCourt LLC (Memo: Partial Payment)
- 9-Jan-2023 RECEIPT No.: 2023-00031 ; \$140.00, Check Number: #1072, Applied to: ARIZONANS FED UP WITH RISING HEALTHCARE, et al. - Class A Filing Fee (\$140.00) Paid for: - By Barton Mendez Soto PLLC
- 2-Feb-2023 FILED: Case Management Statement (Appellee/Cross-Appellant Arizonans)
- 2-Feb-2023 FILED: Case Management Statement (Appellee/Cross-Appellant State)
- 6-Mar-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee Arizona Creditors)
- 6-Mar-2023 FILED: Appellants' Appendix in Support of Opening Brief; (Untitled) Appendix to Opening Brief Part 2 (Appellant/Cross-Appellee Arizona Creditors)
- 17-Mar-2023 FILED: Notice of Substitution of Counsel; Certificate of Service Re: Notice of Substitution of Counsel (Appellee/Cross-Appellant State)
- 22-Mar-2023 FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 22-0765****ARIZONA CREDITORS, et al. v. STATE/ARIZONANS****55 PROCEEDING ENTRIES**

20.	22-Mar-2023	FILED: Appellant's Notice of Supplemental Authority; Certificate of Service; Untitled (Exhibits A - C to Appellant's Notice of Supplemental Authority) (Appellant/Cross-Appellee Arizona Creditors)
21.	31-Mar-2023	FILED: Motion For Procedural Order For Extension Of Time To File Answering/Cross-Opening Brief; Certificate of Service (Appellee/Cross-Appellant State)
22.	31-Mar-2023	FILED: Appellants' Response In Opposition To Motion To Extend Time; Certificate of Service; Exhibit A (Appellant/Cross-Appellee)
23.	4-Apr-2023	ORDERED: Motion For Procedural Order For Extension Of Time To File Answering/Cross-Opening Brief (Appellee/Cross-Appellant) = GRANTED. All due dates EXTENDED from Monday, 04-17-2023 to Wednesday, 05-17-2023. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
24.	17-May-2023	FILED: Intervenor's Answering Brief and Opening Brief on Cross Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Arizonans)
25.	17-May-2023	FILED: The State's Combined Answering and Cross-Opening Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant State)
26.	14-Jun-2023	FILED: Unopposed Motion for Procedural Order for Alteration of Word Count for Reply/Cross-Answering Brief. [sic]; Certificate of Service (Appellant/Cross-Appellee)
27.	14-Jun-2023	ORDERED: Unopposed Motion for Procedural Order for Alteration of Word Count for Reply/Cross-Answering Brief. [sic] (Appellant/Cross-Appellee) = GRANTED. Melina Brill ProTem Judge - Author
28.	26-Jun-2023	FILED: Appellants' Consolidated Reply Brief and Cross-Answering Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
29.	26-Jun-2023	FILED: Appellants' Appendix in Support of Consolidated Reply Brief and Cross-Answering Brief (Appellant/Cross-Appellee)
30.	28-Jun-2023	FILED: Appellants' Request for Oral Argument; Certificate of Service (Appellant/Cross-Appellees)
31.	30-Jun-2023	FILED: ASC Order filed 06/30/2023 re: Denying Renewed Petition for Transfer
32.	17-Jul-2023	FILED: Intervenor's Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Arizonans)
33.	17-Jul-2023	FILED: The State's Cross-Reply Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant State)
34.	21-Jul-2023	ORDERED: Appellants' Request for Oral Argument (Appellant/Cross-Appellees) = GRANTED. Hon David B Gass - Author
35.	31-Jul-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	7-Aug-2023	FILED: Motion to File Amicus Brief on Behalf of ACA International, Inc.; Certificate of Service on Motion to File Amicus Brief on Behalf of ACA International, Inc. (Amicus Curiae ACA)
37.	7-Aug-2023	FILED: Motion for Leave to File Amicus Curiae Brief of Community Associations Institute (CAI); Certificate of Service (Amicus Curiae CAI)
38.	7-Aug-2023	FILED: Brief Amici Curiae of Goldwater Institute, Greater Flagstaff Chamber of Commerce, Bruce Ash, and Mark and Virginia Blosser in Support of Plaintiffs/Appellants with Consent of All Parties; Certificate of Compliance; Certificate of Service (Amicus Curiae Goldwater Institute, et al.)
39.	7-Aug-2023	FILED: Brief of ACA International, Inc [sic] as Amicus Curiae; Certificate of Compliance and Certificate [sic] of Service for Amicus Brief on Behalf of ACA International, Inc. (Certificate of Compliance); Certificate of Compliance and Certificate [sic] of Service for Amicus Brief on Behalf of ACA International, Inc. (Certificate of Service) (Amicus Curiae ACA)
40.	7-Aug-2023	FILED: Amicus Curiae Brief of Community Associations Institute (CAI); Certificate of Compliance; Certificate of Service (Amicus Curiae CAI)
41.	7-Aug-2023	FILED: Appendix to Amicus Curiae Brief of Community Associations Institute (CAI); Exhibit 1; Exhibit 2 (Amicus Curiae CAI)
42.	8-Aug-2023	FILED: Notice of Erratum and Motion Nunc Pro Tunc to File Brief Amici Curiae in Support of Plaintiffs/Appellants; Certificate of Service (Amicus Curiae Goldwater Institute, et al.)
43.	10-Aug-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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44.	24-Aug-2023	ORDERED: Motion to File Amicus Brief on Behalf of ACA International, Inc. (Amicus Curiae ACA)/Motion for Leave to File Amicus Curiae Brief of Community Associations Institute (CAI) (Amicus Curiae CAI)/Notice of Erratum and Motion Nunc Pro Tunc to File Brief Amici Curiae in Support of Plaintiffs/Appellants (Amicus Curiae Goldwater Institute, et al.) = GRANTED and accepting the amicus curiae brief of ACA International, Inc., the amicus curiae brief of Community Associations Institute, and the amicus curiae brief of Goldwater Institute, Greater Flagstaff Chamber of Commerce, Bruce Ash, and Mark and Virginia Blosser, all filed on 08/07/2023. FURTHER ORDERED: Any party may file a response to each brief by 09/12/2023. Hon David B Gass - Author
45.	26-Aug-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 10-25-23, 09:30 am, COURTROOM 2.
46.	28-Aug-2023	FILED: Notice of Oral Argument
47.	12-Sep-2023	FILED: The State's Combined Response to Amici Curiae; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant State)
48.	12-Sep-2023	FILED: Intervenor's Combined Response to Amicus Briefs; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant Arizonans)
49.	20-Sep-2023	ORDERED: Resetting courtroom from Courtroom 2, to Courtroom 1 for oral argument set for 10/25/2023, at 9:30 a.m. Hon David D Weinzwieg - Author
50.	12-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Brett Johnson on 08/28/2023 (Appellant/Cross-Appellee)
51.	18-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by James Barton II on 08/28/2023 (Appellee/Cross-Appellant Arizonans)
52.	18-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Hayleigh Crawford on 08/28/2023 (Appellee/Cross-Appellant State)
53.	25-Oct-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 10/25/2023
54.	30-Apr-2024	OPINION (Affirmed) Hon Maria Elena Cruz - Author; Hon David D Weinzwieg - Concur; Hon Michael S Catlett - Concur
55.	30-Apr-2024	FILED: Decision Distribution Notification