

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0002****TOMA, et al. v. FONTES et al.****Appellate Case Information**

Case Filed: 3-Jan-2024

Case Closed:

Dept/Composition**Department A**

Hon. Michael S Catlett

Hon. James B Morse

Hon. Jennifer B Campbell

Side 1. BEN TOMA, et al., Plaintiff/Appellant**(Litigant Group) BEN TOMA, et al.**

- Ben Toma
- Warren Petersen

Attorneys for: Plaintiffs/Appellants Toma et al.

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

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

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

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Side 2. ADRIAN FONTES, et al., Defendant/Appellee**(Litigant Group) ADRIAN FONTES, et al.**

- Adrian P Fontes
AZ Bar No. 22162
[Current Member]

Attorneys for: Defendant/Appellee A. Fontes

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Shayna Gabrielle Stuart, Esq. (AZ Bar No. 34819)

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(Litigant Group) ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

- Arizona Citizens Clean Elections Commission

Attorneys for: Defendant/Appellee AZ Citizens

Mary R O'Grady, Esq. (AZ Bar No. 11434)

James D Smith, Esq. (AZ Bar No. 16760)

Eric M Fraser, Esq. (AZ Bar No. 27241)

Emma Cone-Roddy, Esq. (AZ Bar No. 34285)

Sarah P Lawson, Esq. (AZ Bar No. 36436)

Side 3. KRISTIN MAYES, et al., Intervenor/Appellee**(Litigant Group) KRISTIN MAYES, et al.**

- Kristin K. Mayes
AZ Bar No. 022584
Admitted 1/10/05

Attorneys for: Intervenor/Appellee K. Mayes

Alexander W Samuels, Esq. (AZ Bar No. 28926)

Nathan Arrowsmith, Esq. (AZ Bar No. 31165)

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

(Litigant Group) VOTERS RIGHT TO KNOW

- Voters Right to Know

Attorneys for: Intervenor/Appellee Voters

David Kolker, Esq. (AZ Bar No. DKolker)

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Daniel J Adelman, Esq. (AZ Bar No. 11368)

Chanele N Reyes, Esq. (AZ Bar No. 34898)

**Side 4. ARIZONA CHAMBER OF
COMMERCE & INDUSTRY, Amicus Curiae****(Litigant Group) ARIZONA CHAMBER OF
COMMERCE & INDUSTRY**

- Arizona Chamber of Commerce and Industry

Attorneys for: Amicus Curiae

Nathan Curtisi, Esq. (AZ Bar No. 33342)

CASE STATUS

May 7, 2024.....Under Advisement

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2023-011834	Preliminary Injunction		Timothy J Ryan, Authoring Judge of Order		

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0002****TOMA, et al. v. FONTES et al.****DESCENDENT CASE(S)**

ASC CV-24-0073-SA
 ASC T-24-0001-CV

CALENDAR**Tuesday** MONTHLY COURT CASE CALENDAR*Mixed***7-May-2024** Department A; COURTROOM 1

11:00 AM BEN TOMA, et al..... 25 mins.
 ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION..... 25 mins.
 KRISTIN MAYES, et al..... (none)

46 PROCEEDING ENTRIES

1. 3-Jan-2024 FILED: Motion to Suspend Rules And Expedite Briefing Schedule For Appeal; Notice of Appeal; Certificate of Service (Appellants)
2. 4-Jan-2024 FILED: Case Management Statement (Appellants)
3. 4-Jan-2024 FILED: Reporter's Transcript - 12/13/2023 - Oral Argument (Michele Kaley)
4. 4-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
5. 4-Jan-2024 FILED: Notice of Intent to Respond to Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
6. 8-Jan-2024 FILED: Response to Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee Arizona Citizens Clean Elections Commission)
7. 8-Jan-2024 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
8. 8-Jan-2024 FILED: Appellants' Appendix in Support of Opening Brief (Appellant)
9. 8-Jan-2024 FILED: Notice of Intent to File Reply ISO Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellant)
10. 9-Jan-2024 FILED: Reply in Support of Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellants)
11. 10-Jan-2024 ORDERED: Motion to Suspend Rules And Expedite Briefing Schedule For Appeal (Appellants) = DENIED without prejudice to the parties filing briefs as quickly as they wish before the due dates. The court does not anticipate granting any briefing extensions. Hon David B Gass - Author
12. 12-Jan-2024 FILED: Motion for Clarification Re: Order Denying Motion Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellants)
13. 16-Jan-2024 FILED: Response to Motion for Clarification re: Order Denying Motion to Suspend Rules and Expedite Briefing Schedule for Appeal; Certificate of Service (Appellee AZ Citizens)
14. 17-Jan-2024 ORDERED: Motion for Clarification Re: Order Denying Motion Suspend Rules and Expedite Briefing Schedule for Appeal (Appellants) = DENIED. Hon David B Gass - Author
15. 1-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
16. 1-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 1/3/24
17. 1-Feb-2024 FILED: Appellate Clerk Notice re: No Appellant's Fee Due/Appellee Voters Fee Due/Case Management Statement Filed/ Each Answering Brief Due
18. 9-Feb-2024 FILED: Certificate of Service; Certificate of Service (Duplicate) (Appellant)
19. 13-Feb-2024 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Voters Right to Know)
20. 14-Feb-2024 FILED: Settlement Conference Program Notice
21. 20-Feb-2024 RECEIPT No.: 2024-00176 ; \$140.00, Authorization: 51018171268, Applied to: VOTERS RIGHT TO KNOW - Class B Filing Fee (\$140.00) Paid for: Daniel J Adelman - By nCourt LLC
22. 20-Feb-2024 FILED: Request for Oral Argument; Certificate of Service (Appellee AZ Citizens)
23. 20-Feb-2024 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee AZ Citizens)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0002****TOMA, et al. v. FONTES et al.****46 PROCEEDING ENTRIES**

24.	26-Feb-2024	FILED: Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service; Exhibit 1 (to Motion to Stay Superior Court Proceedings Pending Appeal) (Appellant)
25.	27-Feb-2024	ORDERED: Directing appellees to respond to the motion (Motion to Stay Superior Court Proceedings Pending Appeal) by 03/08/2024. FURTHER ORDERED: Directing appellants to reply to the response by 03/15/2024. FURTHER ORDERED: Staying the superior court proceedings pending the court's ruling on the motion. [sic] Hon David B Gass - Author
26.	6-Mar-2024	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
27.	8-Mar-2024	FILED: Joint Response to Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service (Appellee K. Mayes)
28.	8-Mar-2024	FILED: Request for Oral Argument; Certificate of Service (Appellants Toma et al.)
29.	13-Mar-2024	ORDERED: Request for Oral Argument (Appellee AZ Citizens) and Request for Oral Argument; Certificate of Service (Appellants Toma et al.) = GRANTED. Hon David B Gass - Author
30.	15-Mar-2024	FILED: Reply in Support of Motion to Stay Superior Court Proceedings Pending Appeal; Certificate of Service (Appellant Toma et al.)
31.	26-Mar-2024	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 5-7-24, 11:00 am, COURTROOM 1.
32.	27-Mar-2024	FILED: Notice of Oral Argument
33.	27-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Craig Morgan on 03/27/2024 (Appellee Fontes)
34.	27-Mar-2024	ORDERED: Motion to Stay Superior Court Proceedings Pending Appeal (Appellant) = GRANTED. FURTHER ORDERED: Continuing the current stay of the superior court proceedings until further order of the Court. Hon Michael S Catlett - Author
35.	27-Mar-2024	FILED: Brief of Amicus Curiae Arizona Chamber of Commerce and Industry in Support of Appellants; Certificate of Compliance; Certificate of Service; (Untitled) Email Thread re: Consent of Parties to file Amicus Curiae Brief (Amicus Curiae Arizona Chamber of Commerce & Industry)
36.	29-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Brett Johnson on 03/27/2024 (Appellant)
37.	1-Apr-2024	FILED: Memorandum: Judge Campbell for Judge Paton (Chief Judge Gass)
38.	2-Apr-2024	FILED: ASC Order filed 04/02/2024 re: denying Appellants' Petition for Transfer.
39.	4-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40.	15-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
41.	16-Apr-2024	FILED: Response to Amicus Curiae Arizona Chamber of Commerce; Certificate of Compliance; Certificate of Service (Appellees)
42.	24-Apr-2024	ORDERED: Granting Appellants and Appellees 25 minutes per side to present oral argument. Hon Michael S Catlett - Author
43.	24-Apr-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 03/27/2024 (Appellee AZ Citizens)
44.	25-Apr-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Nathan Arrowsmith on 03/27/2024 (Appellee K. Mayes)
45.	2-May-2024	FILED: Appellees' Supplemental Citation of Legal Authority; Certificate of Service (Appellee K. Mayes)
46.	7-May-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 5/7/24