

Arizona Supreme Court

Civil Election Appeal

CV-24-0088-AP/EL

XENIA ORONA v MICHAEL D. BUTTS et al

Appellate Case Information

Case Filed: 29-Apr-2024

Case Closed:

Dept/Composition

Side 1. XENIA ORONA, a qualified elector, Plaintiff/Appellee

(Litigant Group) XENIA ORONA, a qualified elector

- Xenia Orona

Attorneys for: Plaintiff/Appellee

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Side 2. MICHAEL D. BUTTS, a candidate for Office; ADRIAN FONTES, in his official Capacity as Secretary of State; MARICOPA COUNTY BOARD OF SUPERVISORS; and STEPHEN RICHER, in his official capacity as Recorder of Maricopa County, Defendant/Appellant

(Litigant Group) MICHAEL D. BUTTS, a candidate for Office

- Michael D. Butts

PRO SE

(Litigant Group) ADRIAN FONTES, in his official Capacity as Secretary of State

- Adrian P Fontes, Arizona Secretary of State

Attorneys for: Defendant/Appellant

Bradley J Stevens, Esq. (AZ Bar No. 6723)

(Litigant Group) MARICOPA COUNTY BOARD OF SUPERVISORS; STEPHEN RICHER, in his official capacity as Recorder of Maricopa County

- Maricopa County Board of Supervisors

- Stephen I Richer, Maricopa County Recorder's Office

Attorneys for: Defendant/Appellant

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PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-008652			Katherine Cooper, Judge on PC		

9 PROCEEDING ENTRIES

1.	29-Apr-2024	FILED: Defendant Michael D Butts Notice of Appeal; Certificate of Service (Appellant Butts, Pro Se)
2.	29-Apr-2024	FILED: Defendant Michael D. Butts Designation Statement (Appellant Butts)
3.	30-Apr-2024	FILED: Record

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4. 30-Apr-2024 Defendant/Appellant/Candidate Butts, pro se, filed a Notice of Appeal in this expedited election matter on April 29, 2024, pursuant to Rule 10(g), Arizona Rules of Civil Appellate Procedure.
- In lieu of a telephonic scheduling conference, Court staff has consulted with Appellant and counsel for Plaintiff/Appellee Orona and Maricopa County. Counsel for Maricopa County has advised that the deadline to resolve this matter is May 13, 2024 and has or will file a pleading to that effect forthwith.
- IT IS ORDERED if either party wishes to use transcripts, such party shall file authorized transcripts as soon as possible. If no authorized transcript can be prepared and filed timely, the parties are encouraged to stipulate to the pertinent facts or testimony or provide pertinent segments of unauthorized transcripts in a joint appendix as soon as possible.
- IT IS FURTHER ORDERED Appellant shall file the opening brief no later than noon on Thursday, May 2, 2024. The opening brief shall be no more than 5000 words.
- IT IS FURTHER ORDERED Appellee may file an answering brief no later than 4:00 p.m. on Monday, May 6, 2024. The answering brief shall be no more than 5000 words.
- IT IS FURTHER ORDERED Appellant may file a reply brief no later than noon on Wednesday, May 8, 2024. The reply brief shall be no more than 2500 words.
- IT IS FURTHER ORDERED that briefs will be in a legible 14-point font, double-spaced, and will include all arguments the parties wish to present to the Court. They may be filed in memorandum format (no tables of contents or authorities).
- IT IS FURTHER ORDERED that copies of all filings must be delivered as required under Rule 10(h).
- IT IS FURTHER ORDERED that in addition to filing briefs with the Clerk of the Supreme Court (with filing and service through AZTurboCourt) all filings are also to be sent by email to all the parties and court staff and to SACrDocs@courts.az.gov when filed.
- This matter will be decided without oral argument. (Hon. John R. Lopez IV)
5. 1-May-2024 This Court's April 30, 2024 scheduling order directed any party wishing to use transcripts to file authorized transcripts as soon of possible, or, if no authorized transcript can be prepared and filed timely, the parties were encouraged to stipulate to the pertinent facts or testimony or provide pertinent segments of unauthorized transcripts in a joint appendix as soon as possible.
- The Court having been advised that it may not be possible for the parties to file authorized transcripts and that the parties may wish to submit audio recordings,
- IT IS ORDERED any party who wishes to submit an audio file must contact the Clerk's Office to make arrangements to do so and must produce it on CD or DVD. In accordance with ARCAP 11(f), the filing party is responsible for ordering and paying for the recording and copies, and must serve all other parties with a copy of the recording. The filing party should endeavor to obtain a stipulation that the audio recording is an authentic reproduction from the trial.
- IT IS FURTHER ORDERED if no authorized transcript is filed, and if either party wishes to refer to portions of the testimony or proceedings in their briefing, in addition to submitting an audio file they should include in their appendix typed transcribed excerpts from the recording that identify the time of the testimony or proceeding. (Hon. John R. Lopez)
6. 1-May-2024 FILED: Maricopa County Defendants- Appellees' Notice of Decision-Deadline for Ballot Printing; Certificate of Service (Appellee Maricopa County)
7. 2-May-2024 FILED: Defendant Michael D Butts Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Butts, Pro Se)
8. 2-May-2024 FILED: Joint Appendix; Certificate of Service; Ruling Re Election Case/Candidate Challenge (MCSC) Filed 4/25/24; Partisan Nomination Petition (Appellee Orona/Appellant Butts, Pro Se)
9. 3-May-2024 RECEIPT No.: 2024-00099 ; \$280.00, Authorization: 8563618231715377, Applied to: MICHAEL D. BUTTS, a candidate for Office - Class A Filing Fee (\$280.00) Paid for: MICHAEL D. BUTTS, a candidate for Office - By nCourt LLC