

Arizona Supreme Court

Civil Election Appeal

CV-24-0153-AP/EL

LUCHA/PODER v ADRIAN FONTES, et al.

Appellate Case Information

Case Filed: 15-Jul-2024

Case Closed:

Dept/Composition

Side 1. LIVING UNITED FOR CHANGE IN ARIZONA, et al., Plaintiff/Appellant

(Litigant Group) LIVING UNITED FOR CHANGE IN ARIZONA, et al.

- Living United for Change in Arizona (LUCHA)
- Victory P A C
- Alejandra Gomez
- Oscar De Los Santos

Attorneys for: Plaintiff/Appellant

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

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

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

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

Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)

Kara Karlson, Esq. (AZ Bar No. 29407)

Kyle R Cummings, Esq. (AZ Bar No. 32228)

Side 4. PODER IN ACTION, INC. et al., Plaintiff/Appellant

(Litigant Group) PODER IN ACTION, INC. et al.

- Poder in Action
- Phoenix Legal Action Network
- Florence Immigrant & Refugee Rights Project Inc

Attorneys for: Plaintiff/Appellant

D Andrew Gaona, Esq. (AZ Bar No. 28414)

Austin C Yost, Esq. (AZ Bar No. 34602)

Jared G Keenan, Esq. (AZ Bar No. 27068)

Side 5. STATE OF ARIZONA, et al., Defendant/Appellee

(Litigant Group) STATE OF ARIZONA, et al.

- State of Arizona

Attorneys for: Defendant/Appellee

Clinton N Garrett, Esq. (AZ Bar No. 22457)

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

Lauren Watford, Esq. (AZ Bar No. 37346)

Side 6. ARIZONA ASIAN AMERICAN NATIVE HAWAIIAN AND PACIFIC ISLANDER FOR EQUITY, Amicus Curiae

(Litigant Group) ARIZONA ASIAN AMERICAN NATIVE HAWAIIAN AND PACIFIC ISLANDER FOR EQUITY

- Arizona Asian American Native Hawaiian and Pacific Islander

Attorneys for: Amicus Curiae

Erin Norris Bass, Esq. (AZ Bar No. 30104)

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Noah Baron, Esq. (AZ Bar No. noahbaron)

Side 6. BEN TOMA, et al., Intervenor/Appellee

(Litigant Group) BEN TOMA, et al.

- Ben Toma
- Warren Petersen

Attorneys for: Intervenor/Appellee

Thomas J Basile, Esq. (AZ Bar No. 31150)

Kory A Langhofer, Esq. (AZ Bar No. 24722)

Brunn W Roysden, III, Esq. (AZ Bar No. 28698)

CASE STATUS

Jul 15, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-014129			Scott Sebastian Minder, Trial		
MAR CV2024-014340					

**Arizona Supreme Court****Civil Election Appeal****CV-24-0153-AP/EL****LUCHA/PODER v ADRIAN FONTES, et al.****15 PROCEEDING ENTRIES**

1. 15-Jul-2024 FILED: Poder Appellants' ARCAP 10 Statement in Expedited Election Matter and Request for Scheduling Conference; Certificate of Service (Appellants Poder in Action, et al.)
2. 15-Jul-2024 FILED: Statement Identifying Appeal as Expedited Election Matter and Request for Initial Telephonic Scheduling Conference; Certificate of Service (Appellants Living United, et al.)
3. 16-Jul-2024 FILED: Record
4. 16-Jul-2024 FILED: Record
5. 17-Jul-2024 On July 15, 2024, Appellants Poder in Action, Inc., Phoenix Legal Action Network, and Florence Immigrant & Refugee Rights Project ("Poder Appellants") and Living United for Change in Arizona, Victory PAC, Alejandra Gomez, and Oscar De Los Santos ("LUCHA Appellants") filed separate Notices of Appeal designating this case as an expedited consolidated election matter pursuant to Rule 10(g), Arizona Rules of Civil Appellate Procedure. Poder Appellants and LUCHA Appellants are collectively referred to as "Appellants."  
  
In lieu of a telephonic scheduling conference, Court staff has consulted with counsel for Appellants who have coordinated with Intervenor/Appellees Speaker of the Arizona House of Representatives Ben Toma and President of the Arizona State Senate Warren Petersen and with the State of Arizona and Secretary of State Adrian Fontes. Counsel for the Secretary of State has advised that the deadline to resolve this matter is August 22, 2024. Upon consideration and agreement of the parties,  
  
IT IS ORDERED if any party wishes to use transcripts, such party shall file authorized transcripts as soon as possible.  
  
IT IS FURTHER ORDERED Appellants will file their opening briefs (no more than 3,500 words each) no later than 4:00 p.m. on Friday, July 19, 2024.  
  
IT IS FURTHER ORDERED Intervenor/Appellees will file a combined answering brief (no more than 7,000 words) no later than 4:00 p.m. on Friday, July 26, 2024.  
  
IT IS FURTHER ORDERED Appellants will file their reply briefs (no more than 2,000 words each) no later than 4:00 p.m. on Wednesday, July 31, 2024.  
  
The parties have indicated that they give blanket consent to the filing of amici briefs.  
  
IT IS FURTHER ORDERED that any amicus curiae brief is due no later than 4:00 p.m. on Monday, July 22, 2024 and will not exceed 2,500 words. The parties have agreed to address any responses to amici briefs in their filings and not file separate responses.  
  
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 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 as required by ARCAP Rule 10(h) and to SACrtdocs@courts.az.gov and Court staff when filed. (Hon. Kathryn H. King)
6. 19-Jul-2024 FILED: Poder Appellants' Opening Brief; Certificate of Service; Certificate of Compliance (Appellants Poder in Action, et al.)
7. 19-Jul-2024 FILED: Separate Appendix to Opening Brief; Certificate of Service (Appellants Poder in Action, et al.)
8. 19-Jul-2024 FILED: LUCHA Appellants' Opening Brief; Certificate of Service; Certificate of Compliance (Appellants Living United, et al.)
9. 19-Jul-2024 FILED: Appendix; Certificate of Service (Appellants Living United, et al.)
10. 22-Jul-2024 FILED: Brief of Arizona Asian American Native Hawaiian and Pacific Islander for Equity as Amicus Curiae Supporting Appellants; Certificate of Service; Certificate of Compliance (Amicus AZ AANHPI for Equity)
11. 22-Jul-2024 FILED: Order (Filed 7/17/24 in ASC) (Amicus AZ AANHPI for Equity)
12. 24-Jul-2024 RECEIPT No.: 2024-00169 ; \$280.00, Authorization: 8124340063901759, Applied to: PODER IN ACTION, INC. et al. - Class A Filing Fee (\$280.00) Paid for: PODER IN ACTION, INC. et al. - By nCourt LLC
13. 24-Jul-2024 RECEIPT No.: 2024-00171 ; \$280.00, Authorization: 8300282850134952, Applied to: LIVING UNITED FOR CHANGE IN ARIZONA, et al. - Class A Filing Fee (\$280.00) Paid for: LIVING UNITED FOR CHANGE IN ARIZONA, et al. - By nCourt LLC
14. 24-Jul-2024 FILED: State's Notice of No Position; Certificate of Service; Certificate of Compliance (Appellee State of Arizona)
15. 24-Jul-2024 FILED: (Duplicate) State's Notice of No Position; (Duplicate) Certificate of Service; (Duplicate) Certificate of Compliance (Appellee State of Arizona)