

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION 2

DONNA McQUALITY, CLERK

HONORABLE JOHN D. NAPPER

BY: N. Feuerhaken, Deputy Clerk

CASE NO. P1300CV202200179

DATE: March 22, 2022

FILED
Date: March 22, 2022
5 O'Clock P.M.
DONNA McQUALITY, CLERK
BY: N. Feuerhaken
DEPUTY

TITLE:

COUNSEL:

ARIZONA REPUBLICAN PARTY, a
recognized political party; YAVAPAI
COUNTY REPUBLICAN COMMITTEE, The
Yavapai County Committee of the Arizona
Republican Party; LOIS FRUHWIRTH,
Chairwoman of the Yavapai County
Republican Committee; ANNE ROPER,
Secretary of the Yavapai County Republican
Committee,

Roger Strassburg
Davillier Law Group, LLC (v)
(For Plaintiff)

Plaintiffs,

-vs-

STATE OF ARIZONA, a body politic,

Brian Bergin
Bergin, Frakes, Smalley & Oberholtzer, PLLC (e)
(For Defendant)

Defendant and Real Party In Interest.

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

EVIDENTIARY HEARING/ORAL
ARGUMENT

L. CHANEY

START TIME: 9:23 a.m.

APPEARANCES: Roger Strassburg, Counsel for Plaintiff
Lois Fruhwirth, Plaintiff
Brian Bergin, Counsel for Defendant

This is the time set for an Evidentiary Hearing/Oral Argument on a Complaint which challenges the lawfulness of HB 2839, which allegedly disenfranchises Arizona voters and candidates by extinguishing their right to vote and run for political party precinct committeemen in the upcoming 2022 primary election.

The Court designates this a high-profile case.

The Court advises Counsel that he is currently a candidate for a Judicial Office in Yavapai County. That he is a member of the Republican Party and he believes Ms. Fruhwirth has signed his petition. The Court believes that he can be impartial under the circumstances.

There being no objection, Court proceeds.

Counsel presents their respective opening statements.

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Counsel presents a proposed judgment, stipulated by both parties, to be submitted to the Court for review and signature.

The Court requests the proposed judgment be submitted via email for review.

The Plaintiff is abandoning all arguments, other than the second cause of action, which is the unconstitutional "special law" by stipulation of the parties.

The Court *FINDS* that this is a "special law" which violates Article 4, Part 2, Section 19 of the Arizona Constitution, and it is a "special law" as outlined in the various cases that were cited by the parties to the Court. The Court has reviewed the evidence based on the stipulation of the parties.

IT IS ORDERED all other causes of action are *DISMISSED with prejudice*. *The Court will sign a form of Judgment.*

END TIME: 9:54 a.m.

Thereafter, off the record, **IT IS ORDERED** releasing all unadmitted exhibits.

c: Hon. John D. Napper, Division 2 (e)
Brian Bergin, Bergin, Frakes, Smalley & Oberholtzer, PLLC. (e)
Roger Strassburg, Davillier Law Group, LLC (h)