

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0383****FINCHEM v. FONTES, et al.****Appellate Case Information**

Case Filed: 29-Jun-2023

Case Closed:

**Dept/Composition****Department D**Hon. Samuel A Thumma  
Hon. Michael J Brown  
Hon. Andrew M Jacobs**Side 1. MARK FINCHEM, Plaintiff/Appellant****(Litigant Group) MARK FINCHEM**

- Mark Finchem

**Attorneys for: Plaintiff/Appellant**

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)

**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**Craig A Morgan, Esq. (AZ Bar No. 23373)  
Shayna Gabrielle Stuart, Esq. (AZ Bar No. 34819)  
Jake Tyler Rapp, Esq. (AZ Bar No. 36208)**(Litigant Group) ANDRIAN FONTES (As Secretary of State)**

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

**Attorneys for: Defendant/Appellee (Sec of State)**Kara Karlson, Esq. (AZ Bar No. 29407)  
Kyle R Cummings, Esq. (AZ Bar No. 32228)  
Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)**CASE STATUS**

Mar 6, 2024.....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-053927	Verified Statement of Election Contest		Melissa Iyer Julian, Authoring Judge of Order		

**CALENDAR****Wednesday** MONTHLY COURT CASE CALENDAR

CV Cases

**6-Mar-2024** Department D; COURTROOM 2

10:15 AM	MARK FINCHEM.....	20 mins.
	ADRIAN FONTES, et al.....	20 mins.
	ANDRIAN FONTES (As Secretary of State).....	(none)

**55 PROCEEDING ENTRIES**

1.	29-Jun-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/31/23
2.	29-Jun-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	29-Jun-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	14-Jul-2023	FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service (Appellant)
5.	19-Jul-2023	RECEIPT No.: 2023-00656 ; \$280.00, Authorization: #00009483659, Applied to: MARK FINCHEM - Class A Filing Fee (\$280.00) Paid for: McCauley Law Offices PC - By nCourt LLC
6.	21-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7.	21-Jul-2023	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Adrian Fontes, et al.)
8.	27-Jul-2023	RECEIPT No.: 2023-00687 ; \$140.00, Authorization: 08009303251, Applied to: ADRIAN FONTES, et al. - Class B Filing Fee (\$140.00) Paid for: Sherman & Howard LLC - By nCourt LLC
9.	28-Jul-2023	FILED: Case Management Statement (Appellant)

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10.	29-Aug-2023	FILED: Appellant's Opening Brief; Certificate of Compliance Re: Appellant's Opening Brief; Certificate of Service Re: Appellant's Opening Brief (Appellant)
11.	29-Aug-2023	FILED: Appendix to Appellant's Opening Brief (Appellant)
12.	29-Aug-2023	FILED: Appendix 5 (Appellant)
13.	29-Aug-2023	FILED: Appendix 6; (Untitled) Appendix 6 Part 2 (Appellant)
14.	29-Aug-2023	FILED: Appendix 7 (Appellant)
15.	29-Aug-2023	FILED: Appendix 9; (Untitled) Appendix 9 Part 2 (Appellant)
16.	29-Aug-2023	FILED: Appendix 10 (Appellant)
17.	29-Aug-2023	FILED: Appendix 11 (Appellant)
18.	29-Aug-2023	FILED: Certificate of Service re: Appendix to Opening Brief (Appellant)
19.	29-Sep-2023	FILED: Appellee Adrian Fontes' Answering Brief in his Individual Capacity; Certificate of Compliance; Certificate of Service: Answering Brief (Appellee)
20.	29-Sep-2023	FILED: Appendix to Appellee Adrian Fontes' Answering Brief; Certificate of Service: Appendix (Appellee)
21.	10-Oct-2023	FILED: Ex Parte Notice of Substitution of Counsel for Defendant Arizona Secretary of State Adrian Fontes in his Official Capacity; Certificate of Service Ex Parte Notice of Substitution of Counsel for the Secretary in his Official Capacity (Appellee)
22.	10-Oct-2023	FILED: Arizona Secretary of State's Joinder to Contestee's Answering Brief; Arizona Secretary of State's Certificate of Compliance; Certificate of Service (Appellee Fontes as Secretary of State)
23.	13-Oct-2023	ORDERED: Ex Parte Notice of Substitution of Counsel for Defendant Arizona Secretary of State Adrian Fontes in his Official Capacity (Appellee) = GRANTED and substituting Kara Karlson and Kyle Cummings as counsel for appellee Adrian Fontes in his official capacity as Arizona Secretary of State in place of Amy Chan. Melina Brill ProTem Judge - Author
24.	20-Oct-2023	FILED: Appellant's Reply Brief; Certificate of Compliance Re: Appellant's Responsive Brief; Certificate of Service Re: Appellant's Responsive Brief (Appellant)
25.	20-Oct-2023	FILED: Appendix to Appellant's Reply Brief (Appellant)
26.	24-Oct-2023	FILED: Request for Oral Argument; Certificate of Service Re Request for Oral Argument (Appellant)
27.	24-Oct-2023	FILED: Appendix to Appellant's Reply Brief (Amended Appendix); Certificate of Service Re: Amended Appendix (Appellant)
28.	30-Oct-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29.	9-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
30.	15-Nov-2023	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author [vacated per order filed 12/20/2023]
31.	24-Nov-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 1-31-24, 10:15 am, COURTROOM 2.
32.	27-Nov-2023	FILED: Notice of Oral Argument [vacated per order filed 12/20/2023]
33.	27-Nov-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Craig Morgan on 11/27/2023 (Appellee Fontes, et al.)
34.	12-Dec-2023	FILED: Emergency Motion to Be Released as Counsel; Certificate of Service (Appellant)
35.	12-Dec-2023	FILED: Emergency Motion to Withdraw Opening and Reply Briefs; Certificate of Service (Appellant)
36.	12-Dec-2023	FILED: Emergency Motion to Extend Time (to Secure New Counsel); Certificate of Service (Appellant)
37.	13-Dec-2023	FILED: Appellee Adrian Fontes' Combined Response to Appellant's Counsel's Emergency Motion to Be Released as Counsel, Emergency Motion to Withdraw Opening and Reply Briefs, and Emergency Motion to Extend Time; Certificate of Service (Appellee)

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38.	13-Dec-2023	ORDERED: Emergency Motion to Be Released as Counsel (Appellant) = DENIED without prejudice to Appellant/Counsel filing an application to withdraw as counsel that complies with the requirements of Arizona Rule of Civil Procedure 5.3(a)(2)(B) and, to the extent that such a future application to withdraw as counsel seeks a procedural order, that complies with ARCAP 6(b). FURTHER ORDERED: Emergency Motion to Withdraw Opening and Reply Briefs and Emergency Motion to Extend Time (to Secure New Counsel) (Appellant) = DENIED without prejudice. Hon Samuel A Thumma - Author
39.	17-Dec-2023	FILED: Emergency Application to Withdraw as Counsel; Certificate of Service; Exhibit A - Declaration of Terrence Woods; Order Approving Emergency Application to Withdraw as Counsel (Appellant)
40.	17-Dec-2023	FILED: Emergency Motion for Procedural Order to Extend Time; Certificate of Service; Order Approving Emergency Motion to Extend Time (Appellant)
41.	17-Dec-2023	FILED: Emergency Motion for Procedural Order to Withdraw Opening and Reply Briefs; Certificate of Service; Order Approving Emergency Motion to Withdraw Opening and Reply Briefs (Appellant)
42.	17-Dec-2023	FILED: Appellant's Statement in Support of Withdraw of Counsel and to Withdraw Opening and Reply Briefs and Request to Extend Time; Certificate of Service (Appellant)
43.	18-Dec-2023	FILED: Appellee Adrian Fontes' Combined Response to Appellant's Counsel's Emergency Motion to Be Released as Counsel Emergency Motion to Withdraw Opening and Reply Briefs and Emergency Motion to Extend Time; Certificate of Service (Appellee)
44.	19-Dec-2023	FILED: Appellee Adrian Fontes' Combined Response to Appellant's Counsel's Emergency Motion to Be Released as Counsel Emergency Motion to Withdraw Opening and Reply Briefs and emergency [sic] Motion to Extend Time; Certificate of Service (Appellant)
45.	19-Dec-2023	FILED: Emergency Motion to Seal Declaration; Certificate of Service; Order Approving Emergency Motion to Seal Declaration (Appellant)
46.	20-Dec-2023	ORDERED: Emergency Application to Withdraw as Counsel (Appellant) = GRANTED, effective upon Appellant's counsel immediately delivering, in writing, to counsel for Appellee with Appellant's address and contact information (including telephone and electronic mail to contact him) and providing notice to this Court of such action. FURTHER ORDERED: Emergency Motion for Procedural Order to Withdraw Opening and Reply Briefs (Appellant) = DENIED. FURTHER ORDERED: Emergency Motion for Procedural Order to Extend Time (Appellant) = DENIED. FURTHER ORDERED: Should Appellant wish to retain replacement counsel, he should do so promptly such that, by no later than 01/18/2024, any replacement counsel files with this court a notice of appearance, and any request to alter the current briefing or schedule. FURTHER ORDERED: Vacating the 11/15/2023 Order Granting Request for Oral Argument and the 11/27/2023 Notice of Oral Argument. FURTHER ORDERED: Reaffirming conference previously set for 01/31/2024 without oral argument and, absent further Order of this court, without further notice. Hon Samuel A Thumma - Author
47.	21-Dec-2023	ORDERED: Emergency Motion to Seal Declaration (Appellant) = The Declaration of Terrence Woods and the exhibits thereto, attached as Exhibit A to the Emergency Application for Withdrawal of Counsel filed 12/17/2023, are to be sealed by the Clerk of this Court pending further order of this court. Hon Samuel A Thumma - Author
48.	21-Dec-2023	FILED: Notice of Appellant's Contact Information; Certificate of Service (Appellant)
49.	12-Jan-2024	FILED: Memorandum: Judge Jacobs for Judge Campbell (Chief Judge Gass)
50.	12-Jan-2024	FILED: Notice of Appearance and Request to Reinstate Oral Argument; Certificate of Service Regarding Notice of Appearance and Request to Reinstate Oral Argument (Appellant)
51.	24-Jan-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Craig Morgan on 01/24/2024 (Appellee Adrian Fontes, et al.)
52.	24-Jan-2024	ORDERED: Notice of Appearance and Request to Reinstate Oral Argument (Appellant) = GRANTED and resetting conference to Wednesday, 03/06/2024 at 10:15 a.m. before Department D, Courtroom 2 (see order). Hon Samuel A Thumma - Author
53.	26-Jan-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Dennis Wilenchik on 01/24/2024; Certificate of Service (Appellant)
54.	28-Feb-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Karen Hartman-Tellez on 01/24/2024 (Appellee Fontes as Secretary of State)
55.	6-Mar-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 03/06/2024