

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-23-0208-PR

ARIZONA REPUBLICAN PARTY v RICHER, et al

Appellate Case Information

Case Filed: 8-Aug-2023
Case Closed:

Dept/Composition

En Banc

Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. John R Lopez
Hon. James P Beene
Hon. William G Montgomery
Hon. Kathryn H. King

Side 1. ARIZONA REPUBLICAN PARTY, Plaintiff/Appellant

(Litigant Group) ARIZONA REPUBLICAN PARTY

- Arizona Republican Party

Attorneys for: Plaintiff/Appellant

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
John D Wilenchik, Esq. (AZ Bar No. 29353)
Garo Moughalian, Esq. (AZ Bar No. 38315)

Side 2. STEPHEN RICHER, as Maricopa County Recorder; and the MARICOPA COUNTY BOARD OF SUPERVISORS, by and through, CLINT HICKMAN, JACK SELLERS, THOMAS GALVIN, BILL GATES, STEVE GALLARDO, Defendant/Appellee

(Litigant Group) STEPHEN RICHER, as Maricopa County Recorder; and the MARICOPA COUNTY BOARD OF SUPERVISORS, by and through, CLINT HICKMAN, JACK SELLERS, THOMAS GALVIN, BILL GATES, STEVE GALLARDO

- Maricopa County Board of Supervisors
- Stephen I Richer, Maricopa County Recorder's Office
- Clint L Hickman, Maricopa County Board of Supervisors
- Jack Sellers, Maricopa County Board of Supervisors
- Thomas Galvin, Maricopa County Attorney's Office
- Bill Gates, Maricopa County Board of Supervisors
- Steve Gallardo, Maricopa County Board of Supervisors

Attorneys for: Defendant/Appellee

Thomas P Liddy, Esq. (AZ Bar No. 19384)
Emily M Craiger, Esq. (AZ Bar No. 21728)
Joseph I Vigil, Esq. (AZ Bar No. 18677)
Joseph Branco, Esq. (AZ Bar No. 31474)
Joseph Eugene La Rue, Esq. (AZ Bar No. 31348)

Side 3. ADRIAN FONTES, in his official capacity as Arizona Secretary of State; ARIZONA DEMOCRATIC PARTY, Intervenor/Appellee

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

- Adrian P Fontes, Arizona Secretary of State

Attorneys for: Intervenor/Appellee

D Andrew Gaona, Esq. (AZ Bar No. 28414)
Craig A Morgan, Esq. (AZ Bar No. 23373)
Shayna Gabrielle Stuart, Esq. (AZ Bar No. 34819)
Jake Tyler Rapp, Esq. (AZ Bar No. 36208)
Kara Karlson, Esq. (AZ Bar No. 29407)
Kyle R Cummings, Esq. (AZ Bar No. 32228)
Karen J Hartman-Tellez, Esq. (AZ Bar No. 21121)
Kristin K. Mayes, Esq. (AZ Bar No. 022584)

(Litigant Group) ARIZONA DEMOCRATIC PARTY

- Arizona Democratic Party

Attorneys for: Intervenor/Appellee

Sarah R Gonski, Esq. (AZ Bar No. 32567)
Roy Herrera, Esq. (AZ Bar No. 32901)
Daniel A Arellano, Esq. (AZ Bar No. 32304)

Side 4. STATECRAFT PLLC, Amicus Curiae

(Litigant Group) STATECRAFT PLLC

- Statecraft PLLC

Attorneys for: Amicus Curiae

Kory A Langhofer, Esq. (AZ Bar No. 24722)
Thomas J Basile, Esq. (AZ Bar No. 31150)

CASE STATUS

May 2, 2024.....Decision Rendered

Jan 9, 2024.....Oral Argument Granted

Dec 5, 2023.....Continued

Aug 8, 2023.....Pending

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PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 21-0201					
⚡ MAR CV2020-014553	Election Challenge		John R Hannah, Authoring Judge of Order Comments: (none)		

CASE DECISION

02-May-2024 OPINION

For the foregoing reasons, we vacate the trial court's and the court of appeals' § 12-349 attorney fees awards. We also vacate paragraphs 1 and 32-60 of the court of appeals' opinion.

Filed: **02-May-2024**

Mandate:

Decision Disposition

Vacated

John Lopez.....Author
Robert Brutinel.....Concur
Ann Timmer.....Concur
Clint Bolick.....Concur
James Beene.....Concur
William Montgomery.....Concur
Kathryn King.....Concur

26 PROCEEDING ENTRIES

1. 8-Aug-2023 FILED: Appellants' Unopposed Motion or Procedural Order to Extend Deadline to File Petition for Review; Certificate of Service (Appellant AZ Republican Party)
2. 9-Aug-2023 On August 8, 2023, AZ Republican Party filed "Appellants' Unopposed Motion or Procedural Order to Extend Deadline to File Petition for Review,"

IT IS ORDERED granting a first extension of time to file the petition for review on or before September 11, 2023. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by September 11, 2023. (Tracie K. Lindeman, Clerk)
3. 11-Sep-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellant AZ Republican Party)
4. 12-Sep-2023 FILED: Record From CofA: Link to Electronic Record
5. 18-Sep-2023 RECEIPT No.: 2023-00640 ; \$280.00, Authorization: 8737907961102554, Applied to: ARIZONA REPUBLICAN PARTY - Class A Filing Fee (\$280.00) Paid for: ARIZONA REPUBLICAN PARTY - By nCourt LLC
6. 6-Dec-2023 ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant AZ Republican Party) = CONTINUED.
7. 9-Jan-2024 ORDERED: Petition for Review = GRANTED as to this rephrased issue:

Were the awards of attorney fees by the superior court and the court of appeals appropriate?

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter. Any amicus briefs are due on or before February 12, 2024 and any responses to amicus briefs are due on or before March 4, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant AZ Republican Party) = CONTINUED.
8. 11-Jan-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, March 12, 2024 at 10:15 A.M. [twenty (20) minutes per side]
9. 16-Jan-2024 FILED: Notice of Acknowledgment of Oral Argument (Karen J. Hartman-Tellez will argue) (Appellee Fontes)

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26 PROCEEDING ENTRIES

10.	16-Jan-2024	FILED: Notice of Acknowledgment of Oral Argument (Dennis I. Wilenchik will argue); Certificate of Service (Appellant AZ Republican Party)
11.	29-Jan-2024	FILED: Supplemental Brief of Secretary of State Adrian Fontes; Certificate of Service; Certificate of Compliance (Appellee Fontes)
12.	30-Jan-2024	FILED: Notice of Acknowledgment of Oral Argument (Joseph J. Branco will argue) (Appellees Richer, et al)
13.	7-Feb-2024	<p>The Court set this case for oral argument to be held on Tuesday, March 12, 2024 at 10:15 A.M., in its Courtroom, Phoenix, Arizona. On the Court's own motion,</p> <p>IT IS ORDERED Rescheduling Oral Argument in this matter to be held on Thursday, March 14, 2024 at 10:00 a.m. at the Arizona State University Campus, 111 E. Taylor Street, Phoenix.</p> <p>IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date, time and location. (Hon. Robert Brutinel)</p>
14.	7-Feb-2024	NOTICE OF ORAL ARGUMENT: Rescheduled for Thursday, March 14, 2024 at 10:00 A.M. [twenty (20) minutes per side]
15.	8-Feb-2024	FILED: Notice of Acknowledgment of Oral Argument (Dennis I. Wilenchik will argue); Certificate of Service (Appellant AZ Republican Party)
16.	9-Feb-2024	FILED: Notice of Acknowledgment of Oral Argument (Karen J. Hartman-Tellez will argue) (Appellee Fontes)
17.	9-Feb-2024	FILED: Notice of Acknowledgment of Oral Argument (Joseph E. La Rue will argue) (Appellees Richer, et al)
18.	9-Feb-2024	FILED: Notice of Association of Counsel; Certificate of Service (Appellant AZ Republican Party)
19.	9-Feb-2024	FILED: Notice of Disassociation of Counsel; Certificate of Service (Appellant AZ Republican Party)
20.	12-Feb-2024	FILED: Brief of Amicus Curiae Statecraft PLLC; Certificate of Service; Certificate of Compliance (Amicus Statecraft PLLC)
21.	12-Feb-2024	FILED: Motion for Leave to File Amicus Brief (Amicus Statecraft PLLC)
22.	14-Feb-2024	<p>A "Motion for Leave to File Amicus Brief" (Amicus Statecraft PLLC) and the brief of amicus curiae were filed on February 12, 2024. After consideration,</p> <p>IT IS ORDERED the "Motion for Leave to File Amicus Brief" is granted. The brief shall be filed as of February 12, 2024. (Hon. Robert Brutinel)</p>
23.	4-Mar-2024	FILED: Secretary of State Adrian Fontes' Response to Brief of Amicus Curiae Statecraft PLLC; Certificate of Service; Certificate of Compliance (Appellee Fontes)
24.	6-Mar-2024	RECEIVED: Record from CoFA: Electronic Record
25.	14-Mar-2024	ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued:Dennis I. Wilenchik, Karen J Hartman-Tellez)
26.	2-May-2024	OPINION - For the foregoing reasons, we vacate the trial court's and the court of appeals' § 12-349 attorney fees awards. We also vacate paragraphs 1 and 32-60 of the court of appeals' opinion. (Hon. John R Lopez IV - Author; Hon. Robert Brutinel - Concur; Hon. Ann A. Scott Timmer - Concur; Hon. Clint Bolick - Concur; Hon James P Beene - Concur; Hon William G Montgomery - Concur; Hon. Kathryn H. King - Concur)