

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 20-15719

Docketed: 04/20/2020

Nature of Suit: 3950 Constitutionality of State Statutes
Arizonans for Fair Elections, et al v. Katie Hobbs, et al

Termed: 05/19/2020

Appeal From: U.S. District Court for Arizona, Phoenix

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0970-2 : [2:20-cv-00658-DWL](#)

Court Reporter: Candy Potter, Court Reporter

Trial Judge: Dominic Lanza, District Judge

Date Filed: 04/02/2020

| Date | Date Order/Judgment | Date NOA | Date Rec'd |
|------------------------|----------------------------|-----------------|-------------------|
| Order/Judgment: | EOD: | Filed: | COA: |
| 04/17/2020 | 04/17/2020 | 04/20/2020 | 04/20/2020 |

Prior Cases:

None

Current Cases:

None

ARIZONANS FOR FAIR ELECTIONS,
AZAN, an Arizona nonprofit corporation
Plaintiff - Appellant,

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ARIZONANS FED UP WITH FAILING
HEALTHCARE, Healthcare Rising AZ, an
Arizona nonprofit corporation
Plaintiff - Appellant,

James Evans Barton, II
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(see above)

RANDI L. TURK, an individual
Plaintiff - Appellant,

James Evans Barton, II
Direct: 602-626-8805
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(see above)

v.

KATIE HOBBS, Arizona Secretary of State
Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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Defendant - Appellee,

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STATE OF ARIZONA
Intervenor-Defendant - Appellee,

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LEAGUE OF WOMEN VOTERS OF
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ARIZONA HOUSE OF
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**KAREN FANN, PRESIDENT OF THE
ARIZONA STATE SENATE**

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ARIZONA FREE ENTERPRISE CLUB
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ARIZONANS FOR FAIR ELECTIONS, AZAN, an Arizona nonprofit corporation; ARIZONANS FED UP WITH FAILING HEALTHCARE, Healthcare Rising AZ, an Arizona nonprofit corporation; RANDI L. TURK, an individual,

Plaintiffs - Appellants,

v.

KATIE HOBBS, Arizona Secretary of State; EDISON WAUNKA, Apache County Recorder; DAVID STEVENS, Cochise County Recorder; PATTY HANSEN, Coconino County Recorder; SADIE JO BINGHAM, Gila County Recorder; WENDY JOHN, Graham County Recorder; SHARIE MIHEIRO, Greenlee County Recorder; RICHARD GARCIA, La Paz County Recorder; ADRIAN FONTES, Maricopa County Recorder; KRISTI BLAIR, Mohave County Recorder; DORIS CLARK, Navajo County Recorder; F. ANN RODRIGUEZ, Pima County Recorder; VIRGINIA ROSS, Pinal County Recorder; SUZANNE SAINZ, Santa Cruz County Recorder; LELIE HOFFMAN, Yavapai County Recorder; ROBYN POUQUETTE, Yuma County Recorder,

Defendants - Appellees,

STATE OF ARIZONA,

Intervenor-Defendant - Appellee.

04/20/2020 [1](#)
30 pg, 1.08 MB

DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellants Arizonans Fed up with Failing Healthcare, Arizonans for Fair Elections and Randi L. Turk Mediation Questionnaire due on 04/27/2020. Transcript ordered by 05/20/2020. Transcript due 06/19/2020. Appellants Arizonans Fed up with Failing Healthcare, Arizonans for Fair Elections and Randi L. Turk opening brief due 07/29/2020. Appellees Sadie Jo Bingham, Kristi Blair, Doris Clark, Adrian Fontes, Richard Garcia, Patty Hansen, Katie Hobbs, Lelie Hoffman, Wendy John, Sharie Miheiro, Robyn Pouquette, F. Ann Rodriguez, Virginia Ross, Suzanne Sainz, State of Arizona, David Stevens and Edison Wauneka answering brief due 08/28/2020. Appellant's optional reply brief is due 21 days after service of the answering brief. [11666062] (JBS) [Entered: 04/20/2020 02:21 PM]

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| 04/21/2020 | 2 | Received notification from District Court re: payment of docket fee. Amount Paid: USD 505.00. Date paid: 04/21/2020. [11668614] (RT) [Entered: 04/22/2020 02:04 PM] |
| 04/22/2020 | 3 83 pg, 673.52 KB | Filed (ECF) Appellants Arizonans Fed up with Failing Healthcare and Arizonans for Fair Elections EMERGENCY Motion for injunction pending appeal. Date of service: 04/22/2020. [11669144] [20-15719] (Barton, James) [Entered: 04/22/2020 10:28 PM] |
| 04/23/2020 | 4 1 pg, 97.95 KB | Filed clerk order (Deputy Clerk: SZ): On April 22, 2020, appellants filed an emergency motion for injunction pending appeal. Any response thereto is due by April 29, 2020. The optional reply in support of the motion is due by May 1, 2020. The previously established briefing schedule remains in effect. [11670282] (AF) [Entered: 04/23/2020 04:44 PM] |
| 04/27/2020 | 5 2 pg, 14.34 KB | Filed (ECF) Appellants Arizonans Fed up with Failing Healthcare and Arizonans for Fair Elections Mediation Questionnaire. Date of service: 04/27/2020. [11672822] [20-15719] (Barton, James) [Entered: 04/27/2020 01:59 PM] |
| 04/27/2020 | 6 | The Mediation Questionnaire for this case was filed on 04/27/2020. To submit pertinent confidential information directly to the Circuit Mediators, please use the following link . Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11673506]. [20-15719] (AD) [Entered: 04/27/2020 06:44 PM] |
| 04/28/2020 | 7 7 pg, 190.44 KB | MEDIATION CONFERENCE SCHEDULED - DIAL-IN AssessmentConference, 05/06/2020, 10:00 a.m., PACIFIC Time. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [11674321] (VS) [Entered: 04/28/2020 11:52 AM] |
| 04/28/2020 | 8 22 pg, 784.09 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by January Contreras, Former Government Official. Date of service: 04/28/2020. [11674658] [20-15719]--[COURT UPDATE: Attached corrected PDF of brief. 04/29/2020 by LA] (Winkler, Rachel) [Entered: 04/28/2020 02:50 PM] |

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| 04/28/2020 | 9 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [11] . Original Text: Filed (ECF) Paul Bender Motion to become amicus curiae. Date of service: 04/28/2020. [11674799] [20-15719] (Eckstein, Paul) [Entered: 04/28/2020 04:00 PM] |
| 04/28/2020 | 10 | Entered appearance of Amici Curiae - Pending January Contreras and Paul Bender. [11674924] (LA) [Entered: 04/28/2020 04:40 PM] |
| 04/28/2020 | 11 61 pg, 4.73 MB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Paul Bender. Date of service: 04/28/2020. [11674953]--[COURT ENTERED FILING to replace incorrect entry [9].] (LA) [Entered: 04/28/2020 04:52 PM] |
| 04/28/2020 | 12 21 pg, 271.29 KB | Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by League of Women Voters of Arizona. Date of service: 04/28/2020. [11674993] [20-15719]--[COURT UPDATE: Attached corrected PDF (corrected cover). 04/29/2020 by LA] (Scharff, Spencer) [Entered: 04/28/2020 05:14 PM] |
| 04/28/2020 | 13 | Entered appearance of Amicus Curiae - Pending League of Women Voters of Arizona. [11675004] (LA) [Entered: 04/28/2020 05:20 PM] |
| 04/29/2020 | 14 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [15] . Original Text: Filed (ECF) Grand Canyon Institute Motion to become amicus curiae. Date of service: 04/29/2020. [11675921] [20-15719] (Scheff, Stacy) [Entered: 04/29/2020 02:50 PM] |
| 04/29/2020 | 15 22 pg, 651.83 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Grand Canyon Institute. Date of service: 04/29/2020. [11675926] [20-15719]--[COURT UPDATE: Attached corrected PDF of the motion and brief. 05/01/2020 by KWG] (Scheff, Stacy) [Entered: 04/29/2020 02:53 PM] |
| 04/29/2020 | 16 19 pg, 271.38 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Legislative Democrats. Date of service: 04/29/2020. [11675977] [20-15719] (Barnes, Rhonda) [Entered: 04/29/2020 03:21 PM] |
| 04/29/2020 | 17 6 pg, 84.88 KB | Filed (ECF) Appellee Katie Hobbs response to motion ([3] Motion (ECF Filing), [3] Motion (ECF Filing)). Date of service: |

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| | | 04/29/2020. [11676085] [20-15719] (Arellano, Daniel) [Entered: 04/29/2020 04:25 PM] |
| 04/29/2020 | 18 | Filed (ECF) notice of appearance of Austin Clark Yost (Perkins Coie, LLP, 2901 N Central Ave, Suite 2000, Phoenix AZ 85012) for Amicus Curiae - Pending Professor Paul Bender. Date of service: 04/29/2020. (Party was previously proceeding with counsel.) [11676122] [20-15719] (Yost, Austin) [Entered: 04/29/2020 04:37 PM] |
| 04/29/2020 | 19 | COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [27] . Original Text: Filed (ECF) Goldwater Institute Motion to become amicus curiae. Date of service: 04/29/2020. [11676127] [20-15719] (Sandefur, Timothy) [Entered: 04/29/2020 04:41 PM] |
| 04/29/2020 | 27 22 pg, 718.06 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Goldwater Institute. Date of service: 04/29/2020. [11676538]--[COURT ENTERED FILING to correct entry [19].] (KWG) [Entered: 04/30/2020 10:13 AM] |
| 04/29/2020 | 20 1 pg, 92.5 KB | Filed clerk order: The amicus brief [12] submitted by League of Women Voters of Arizona is filed. No paper copies are required at this time. [11676133] (LA) [Entered: 04/29/2020 04:44 PM] |
| 04/29/2020 | 21 | Added Attorney(s) Austin C. Yost for party(s) Amicus Curiae - Pending Paul Bender, in case 20-15719. [11676177] (RR) [Entered: 04/29/2020 05:33 PM] |
| 04/29/2020 | 22 33 pg, 411.12 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Ballot Initiative Strategy Center. Date of service: 04/29/2020. [11676193] [20-15719] (James, Becky) [Entered: 04/29/2020 06:17 PM] |
| 04/29/2020 | 23 39 pg, 495.65 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Campaign Legal Center. Date of service: 04/29/2020. [11676194] [20-15719]--[COURT UPDATE: Attached corrected PDF of the brief. 04/30/2020 by KWG] (Malloy, Tara) [Entered: 04/29/2020 06:38 PM] |
| 04/29/2020 | 24 458 pg, 13.12 MB | Filed (ECF) Appellee State of Arizona Motion for miscellaneous relief [Leave To File A Combined Response To Plaintiffs' Emergency Motion For An Injunction Pending Appeal And To Amicus Briefs]. Date of service: 04/29/2020. [11676250] [20-15719] (Ensign, Drew) [Entered: 04/29/2020 11:46 PM] |
| 04/30/2020 | 25 41 pg, 322.47 KB | Filed (ECF) Appellee State of Arizona response opposing motion ([3]) Motion (ECF Filing), [3] Motion (ECF Filing) motion for |

injunction pending appeal). Date of service: 04/30/2020. [11676319] [20-15719] (Ensign, Drew) [Entered: 04/30/2020 07:54 AM]

04/30/2020 26 Entered appearance of Amici Curiae - Pending Grand Canyon Institute, Legislative Democrats, Goldwater Institute, Ballot Initiative Strategy Center and Campaign Legal Center. [11676532] (KWG) [Entered: 04/30/2020 10:11 AM]

05/01/2020 [28](#)
89 pg, 4.79 MB Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Arizona Republican Party. Date of service: 05/01/2020. [11678320] [20-15719]--[COURT UPDATE: Attached corrected PDF of the brief and motion. 05/04/2020 by KWG] (Wilenchik, Dennis) [Entered: 05/01/2020 03:00 PM]

05/01/2020 [29](#)
13 pg, 803.76 KB Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Russell Bowers, Speaker of the Arizona House of Representatives, and Karen Fann, President of the Arizona State Senate. Date of service: 05/01/2020. [11678472] [20-15719]--[COURT UPDATE: Attached corrected PDF of the brief. 05/04/2020 by KWG] (Pappas, Andrew) [Entered: 05/01/2020 04:13 PM]

05/01/2020 [30](#)
8 pg, 91.12 KB Filed (ECF) Appellee Katie Hobbs response to motion ([\[28\]](#) Motion (ECF Filing), [\[28\]](#) Motion (ECF Filing)). Date of service: 05/01/2020. [11678603] [20-15719] (Arellano, Daniel) [Entered: 05/01/2020 08:13 PM]

05/01/2020 [31](#)
11 pg, 69.49 KB Filed (ECF) Appellants Arizonans Fed up with Failing Healthcare and Arizonans for Fair Elections reply to response (). Date of service: 05/01/2020. [11678612] [20-15719] (Barton, James) [Entered: 05/01/2020 09:52 PM]

05/02/2020 [32](#)
7 pg, 357.34 KB Filed (ECF) Appellee State of Arizona citation of supplemental authorities. Date of service: 05/02/2020. [11678659] [20-15719] (Ensign, Drew) [Entered: 05/02/2020 07:25 PM]

05/03/2020 33 COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[36\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Arizona Free Enterprise Club. Date of service: 05/03/2020. [11678726] [20-15719]--[COURT UPDATE: Attached corrected PDFs, updated docket text to reflect correct amicus name. 05/05/2020 by LA] (La Sota, Timothy) [Entered: 05/03/2020 01:10 PM]

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| 05/03/2020 | 36 21 pg, 471.77 KB | Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Arizona Free Enterprise Club. Date of service: 05/03/2020. [11680757]--[COURT ENTERED FILING to replace incorrect entry [33].] (LA) [Entered: 05/05/2020 10:20 AM] |
| 05/04/2020 | 34 | Entered appearance of Amici Curiae - Pending Arizona Republican Party, Russell Bowers and Karen Fann. [11678883] (KWG) [Entered: 05/04/2020 08:22 AM] |
| 05/04/2020 | 35 | Entered appearance of Amicus Curiae - Pending Arizona Free Enterprise Club. [11679178] (LA) [Entered: 05/04/2020 10:05 AM] |
| 05/05/2020 | 37 2 pg, 141.54 KB | Filed order (BARRY G. SILVERMAN, JACQUELINE H. NGUYEN and DANIEL PAUL COLLINS) Appellee State of Arizona's motion for leave to file a combined response to appellants' emergency motion and to amicus briefs (Docket Entry No. [24]-1) is granted. The response has been filed (Docket Entry Nos. [24], [25]). Appellants' emergency motion for injunctive relief (Docket Entry No. [3]) is denied. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7 (2008). Appellants, having failed to challenge the Arizona constitutional requirement of in-person signatures, cannot get the redress from the court they now seek by only challenging the statute at issue. See Ariz. Const. art. IV, pt. 1, § 1(9) (initiative petitions must be "signed in the presence of the affiant"); see also M.S. v. Brown, 902 F.3d 1076, 1083 (9th Cir. 2018). All other pending motions will be addressed by separate order. The briefing schedule established previously remains in effect. [11680997] (WL) [Entered: 05/05/2020 11:40 AM] |
| 05/07/2020 | 38 1 pg, 40.77 KB | Filed order MEDIATION (RSK): A dial-in telephone conference will be held on May 20, 2020, at 9:00 a.m. Pacific Time. Each participant will receive an email with dial-in information. [11683850] (AF) [Entered: 05/07/2020 01:27 PM] |
| 05/18/2020 | 39 2 pg, 38.24 KB | Filed (ECF) Appellants Arizonans Fed up with Failing Healthcare and Arizonans for Fair Elections Unopposed Motion to dismiss case voluntarily pursuant to FRAP 42(b). Date of service: 05/18/2020. [11693658] [20-15719] (Barton, James) [Entered: 05/18/2020 11:27 AM] |
| 05/19/2020 | 40 1 pg, 32.99 KB | Filed order (Deputy Clerk: RSK): The conference previously scheduled for May 20, 2020, is canceled. Appellants' motion to dismiss this appeal (Docket Entry No. [39]) is granted. Fed. R. App. P. 42(b). The parties shall bear their own costs on appeal. A |

copy of this order shall serve as and for the mandate of this court.
[11695643] (AF) [Entered: 05/19/2020 01:32 PM]