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6 *Attorney for Plaintiffs*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 **ADVOCATES FOR INDIVIDUALS**
10 **WITH DISABILITIES FOUNDATION,**
11 **INC., a charitable non-profit foundation, et.**
12 **al.;**

13 **Plaintiffs,**

14 **vs.**

15 **Consolidated Defendants;**

16 **Defendants;**

17 **vs.**

18 **State of Arizona, *ex rel.* Mark Brnovich;**

19 **Defendant-Intervenor.**

20 **Case No. CV2016-090506,**
21 **Consolidated Cases¹**

22 **MOTION FOR CLAIRFICATION**

23 **AND**

24 **MOTION FOR LEAVE TO FILE**
25 **CONSOLIDATED RESPONSE TO**
26 **DEFENDANT’S APPLICATION**
27 **FOR FEES AND COSTS**

28 **(Assigned to the Hon.**
David Talamante)

Plaintiffs, by and through undersigned counsel, hereby seek clarification from the Court regarding its February 17, 2017, Minute Entry and seek leave to file a consolidated response to the application for fees and costs filed by opposing counsel representing the Consolidated Defendants.

The Court published its Minute Entry on February 17, 2017, ordering that Plaintiffs’ Complaints “fail[] to show a distinct and palpable injury” *See* Minute Entry, attached as **Exhibit A**. The Court further ordered “to the extent the State of Arizona is requesting costs and/or fees, a Request is to be filed on or before March 20, 2017. *Id.*

¹ A full list of the Consolidated Cases is on file with the Court.

1 On the same day, counsel for the State of Arizona, advised attorneys for the Consolidated
2 Defendants that “applications for fees and costs must be submitted within the next 10
3 days.” *See* Email from Matthew du Mee, attached as **Exhibit B**.

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5 On February 28, 2017, counsel for the State of Arizona, emailed this Court’s
6 chambers in an effort to clarify issues pertaining to the Consolidated Defendant’s
7 applications for attorneys’ fees and costs. *See* Email from Ms. Weyrauch, attached as
8 **Exhibit C**. In the same email exchange, Ms. Weyrauch inform counsel that:

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10 I spoke to the Judge and he said the following:

11 1) There is no deadline for the applications for fees as those cases that are
12 consolidated under the main case are still stayed. Until he lifts the stay, there
13 is no deadline to file the applications.

14 2) Those parties that have not yet entered an appearance do not need to file
15 anything as those cases are stayed as well. Until the stay is lifted, there is no
16 need to file anything.

17 *Id.* Plaintiffs seek clarification on whether the stay precludes counsel for the
18 Consolidated Defendant’s from filing applications for attorneys’ fees in the Consolidated
19 Cases. Or, alternatively, whether Consolidated Defendants can submit their application for
20 fees, but the timeline to provide responses is not triggered until the stay is lifted. On the
21 one hand, the Court is instructing the State of Arizona to file its request for fees and costs,
22 and on the other hand, counsel for the State of Arizona is advising counsel for the
23 Consolidated Defendants to file fee applications. The confusion by all parties occasioned
24 the instant motion.

25
26 Furthermore, and in the interest of judicial economy, if the Consolidated
27 Defendants are permitted to file for fee applications, Plaintiffs seek leave to file one
28 consolidated response to address all issues regarding the fee applications. Notably, fee

1 applications dating as early as February 21, 2017 have been filed and deadlines for
2 responses are soon approaching. Plaintiffs file this motion in an abundance of caution to
3 avoid missing deadlines and in an effort to assist the Court.
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6 **RESPECTFULLY SUBMITTED** this March 16, 2017.

7
8 **STROJNIK, P.C.**

9 By: /s/ Peter Strojnik
10 Peter Strojnik
11 *Attorney for Plaintiffs*
12

13 **ELECTRONICALLY** filed this 16th
14 day of March 2017, via
15 AZTurboCourt.com

16 **COPY** electronically transmitted this
17 16th day of March 2017, by the Clerk of
18 the Court via AZTurboCourt.com to the
19 Honorable David M. Talamante

20 **COPY** electronically transmitted this
21 16th day of March 2017,
22 via AZTurboCourt.com e-Serve to:

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