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Attorneys for Plaintiffs/Appellants

**IN THE SUPREME COURT
STATE OF ARIZONA**

SCOT MUSSI, an individual; AIMEE YENTES, an individual; and ARIZONA FREE ENTERPRISE CLUB, a non-profit corporation,

Plaintiffs/Appellants,

v.

KATIE HOBBS, in her capacity as the Secretary of State of Arizona,

Defendant/Appellee,

and

ARIZONANS FOR FREE AND FAIR ELECTIONS (ADRC ACTION), a political committee,

Real Party in Interest/Appellee.

No. CV-22-0207-AP/EL

Maricopa County Superior Court
No. CV2022-009391

**PLAINTIFFS/APPELLANTS’
ARCAP 10 STATEMENT IN
EXPEDITED ELECTION MATTER
AND REQUEST FOR
SCHEDULING CONFERENCE**

Pursuant to Arizona Rule of Civil Appellate Procedure 10,

Plaintiff/Appellants hereby state as follows:

I. Designation as Expedited Election Matter

Appellants certify that this case is an “Expedited Election Matter” pursuant to A.R.S. § 19-122 and Arizona Rule of Civil Appellate Procedure 10(c)(2). Appellants further state, pursuant to Arizona Rule of Civil Appellate Procedure 10(d)(1), that this matter involves a statewide initiative measure, presents issues of substantial statewide importance, and, if not expedited, will become moot before Supreme Court review.

II. Notice of Appeal

Pursuant to Arizona Rule of Civil Appellate Procedure 10(c)(1), a copy of the notice of appeal that was filed on August 25, 2022 with the Maricopa County Superior Court in this matter is attached hereto as Appendix 1.

III. Names and Contact Information of Counsel

Pursuant to Arizona Rule of Civil Appellate Procedure 10(c)(2), the names and contact information of counsel for each party are as follows:

Counsel for Plaintiff/Appellants
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Counsel for Appellee Katie Hobbs
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Counsel for Appellee/Real Party in Interest/Cross-Appellant Arizonans for Free and Fair Elections (ADRC Action):

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IV. Superior Court Judgment

Pursuant to Arizona Rule of Civil Appellate Procedure 10(c)(3), the final judgment of the Maricopa County Superior Court from which the appeal is taken is attached hereto as Appendix 2.

V. Designation of Transcript

Pursuant to Arizona Rule of Civil Appellate Procedure 10(f)(2)(B), Appellants do not designate any transcripts for inclusion in the record on appeal.

VI. Request for Scheduling Conference

Pursuant to Arizona Rule of Civil Appellate Procedure 10(g), Appellants request that the Court set an initial telephonic status conference to determine the schedule for the expedited proceedings in this matter.

RESPECTFULLY submitted this 25th day of August, 2022.

STATECRAFT PLLC

By: /s/Thomas Basile
Kory Langhofer
Thomas Basile
649 North Fourth Avenue, First Floor
Phoenix, Arizona 85003

Attorneys for Appellants

Appendix 1

Subject: E-Filing Status: Form Set # 7136080 Delivered and eServed
Date: Thursday, August 25, 2022 at 1:33:03 PM Mountain Standard Time
From: TurboCourt Customer Service
To: Thomas Basile

PLEASE DO NOT REPLY TO THIS EMAIL.

Thank you for submitting your documents to Maricopa County - Superior Court

You will be notified when your documents have been processed by the court.

Here are your filing details:

Case Number: CV2022009391 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Thomas J Basile

AZTurboCourt Form Set: #7136080
AOC Submission ID #2421178

Delivery Date and Time: Aug 25, 2022 1:32 PM MST

Forms:

Attached Documents:

Notice of Appeal (Civil): Notice of Appeal

Fees Paid:

Filing Fee (Appeal): \$100.00

Total Filing Fees: \$100.00

Provider Fee: \$ 10.30

E-Payment Fee: \$ 3.31

Total Amount Paid: \$113.61

E-Service notification was sent to the following recipient(s):

Amy Chan at achan@azsos.gov
Annabel Barraza at abarraza@omlaw.com
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You MUST log in and check your filing status and the e-Service status of this form set online at <http://turbocourt.com/>.

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Attorneys for Plaintiffs

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

SCOT MUSSI, *et al.*,

Plaintiffs,

v.

KATIE HOBBS, in her capacity as the
Secretary of State of Arizona,

Defendant,

and

ARIZONANS FOR FREE AND FAIR
ELECTIONS (ADRC ACTION), a political
committee,

Real Party in Interest.

No. CV2022-009391

NOTICE OF APPEAL

(Assigned to the Hon. Joseph P. Mikitish)

Notice is hereby given that Plaintiffs Scot Mussi, Aimee Yentes and Arizona Free Enterprise Club appeal to the Arizona Supreme Court from the final judgment entered on the 25th day of August, 2022.

1 RESPECTFULLY SUBMITTED this 25th day of August, 2022.

2 STATECRAFT PLLC

3
4 By: /s/Thomas Basile

5 Kory Langhofer
6 Thomas Basile
7 649 North Fourth Avenue, First Floor
8 Phoenix, Arizona 85003

9 *Attorneys for Plaintiffs*

10 **ORIGINAL** of the foregoing filed electronically via TurboCourt on the 25th day of August,
11 2022 with:

12 MARICOPA COUNTY SUPERIOR COURT
13 201 West Jefferson Street
14 Phoenix, Arizona 85003

15 **COPY** served electronically this same date on:

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By: /s/Thomas Basile
Thomas Basile



Appendix 2

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

SCOT MUSSI, an individual;
AIMEE YENTES, an individual; and
ARIZONA FREE ENTERPRISE
CLUB, a nonprofit corporation,

Plaintiffs,

v.

KATIE HOBBS, in her capacity as
the Secretary of State of Arizona,

Defendant,

And

ARIZONANS FOR FREE AND
FAIR ELECTIONS (ADRC
ACTION), a political committee,

Real Party in

Interest.

Case No.: CV2022-009391

FINAL JUDGMENT

(Assigned to Honorable Joseph P.
Mikitish)

THIS COURT FINDS, following review by the Arizona Secretary of State, the
Committee had 399,858 valid signatures.

During the course of this challenge, 96,237 signatures have been successfully
challenged by the Plaintiffs and shall be removed from the total valid signatures leaving
the committee with 303,621 valid signatures.

1 Based on the County Recorders' review of the random sample for voters not
2 registered, and signatures mismatch, the Court finds that 61,358 signatures will be
3 removed from the total pursuant to Objections 27 and 30 of the Complaint.

4 Based on the County Recorders' review of the random sample for voters who
5 registered after signing the initiative petition, an additional 1,245 signatures will be
6 removed from the total pursuant to Objection 28 of the Complaint.

7 Based on the County Recorders' review of the random sample for voters who are
8 registered as Federal Only voters, an additional 911 signatures will be removed from the
9 total pursuant to Objection 29 of the Complaint.

10 Having thus considered all objections proven or stipulated, and modified by the
11 Supreme Court's ruling, along with extrapolating from the County Recorders' reports
12 for the Plaintiff's Objections 27-30 not previously addressed by this Court, the Court
13 finds the Committee has 239,926 valid signatures.

14 IT IS HEREBY ORDERED that the Secretary of State shall not rescind her
15 previously issued determination that the measure is qualified for the November 2022
16 General Election Ballot.

17 No further matters remain pending, and this Court signs this final judgment entered
18 pursuant to Rule 54(c).

19 DATED this 25th day of August, 2022.

20 
21 _____
Honorable Joseph Mikitish