

IN THE SUPREME COURT

STATE OF ARIZONA

MARK GILMORE; and MARK
HARDER,

Plaintiffs/Appellants,

v.

KATE GALLEGO, in her official capacity
as Mayor of the City of Phoenix; JEFF
BARTON, in his official capacity as City
Manager of the City of Phoenix; and CITY
OF PHOENIX,

Defendants/Appellees

AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL
EMPLOYEES (AFSCME), LOCAL 2384,

Intervenor/Defendant/Appellee.

Supreme Court No. CV-23-0130 PR

Case No. 1 CA-CV-22-0049

Maricopa County Superior Court
Case NO. CV2019-009033

**INTERVENING DEFENDANT/APPELLEE'S JOINDER IN ISSUE 2
OF THE DEFENDANTS/APPELLEES' CROSS-PETITION FOR REVIEW**

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Intervening Defendant/Appellee American Federation of State, County and Municipal Employees, (AFSCME), Local 2384 (“AFSCME”) joins in Issue 2 of the Defendants/Appellees’ (“City”) Cross-Petition for Review seeking review on the following issue:

The court of appeals held that A.R.S. § 12-341.01 is not applicable in constitutional cases challenging government action. Did the court err by precluding fees awards in favor of the government where Plaintiffs were challenging their contractual terms of employment for admittedly personal reasons rather than pursuing public interest litigation?

AFSCME does not believe that this Court should accept review on any issues and will submit its opposition to Plaintiffs/Appellants’ Petition for Review (“Petition”). However, if the Court were nonetheless to grant any part of the Petition, AFSCME joins in the City’s request seeking review of the Court of Appeals fee award for the reasons set forth in Section IV(B) of the City’s Cross-Petition, (pp. 12-14), and hereby joins in the request for review of that issue and incorporates by reference the Cross-Petition Background Section (pp. 3-12) and Section IV(B) (pp. 12-14).

NOTICE UNDER ARCAP 21

AFSCME requests its attorneys’ fees and costs under A.R.S. §§ 12-341 and 12-341.01.

Respectfully submitted this 16th day of June 2023

MARTIN & BONNETT, P.L.L.C.

By: /s/ Daniel Bonnett

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