

SUPREME COURT OF ARIZONA

THE HONORABLE KENNETH FIELDS ) Arizona Supreme Court  
(ret.), a retired state court ) No. T-12-0005-CV  
judge; and THE HONORABLE )  
JEFFERSON LANKFORD (ret.), a ) Court of Appeals  
retired state court judge, on ) Division One  
behalf of themselves and others ) No. 1 CA-CV 12-0748  
similarly situated, )  
 ) Maricopa County  
Plaintiffs/Appellees, ) Superior Court  
 ) No. CV2011-017443  
v. )  
 )  
THE ELECTED OFFICIALS' ) **O R D E R**  
RETIREMENT PLAN; BRIAN TOBIN; )  
RICHARD PETRENKA; GREGORY )  
FERGUSON; LAUREN KINGRY; JEFF )  
MCHENRY; and RANDIE STEIN, are )  
all named in their official )  
capacities as Members of the )  
Board of Trustees of the Elected )  
Official Retirement Plan of the )  
State of Arizona; and THE STATE )  
OF ARIZONA, )  
 ) **FILED 01/08/2013**  
Defendants/Appellants. )  
 )

The Court has considered the arguments of the parties, intervenor and amici curiae and the applicable law concerning the Appellants' Petition to Transfer to the Supreme Court. Based on that consideration,

**IT IS ORDERED** granting the Petition to Transfer this matter.

**IT IS FURTHER ORDERED** that the Supreme Court Case No. CV-13-0005-T/AP is assigned to this case.

**IT IS FURTHER ORDERED** that the Court of Appeals transmit the record on appeal, if any, to this Court by January 23, 2013.

**IT IS FURTHER ORDERED** that briefs shall be filed, using case number CV-13-0005-T/AP, on or before the following

dates: As stipulated by the parties in the Court of Appeals, the Opening Brief will be due on January 23, 2013. Pursuant to Arizona Rules of Civil Appellate Procedure 15(a), the Response Brief will be due within 40 days after service of the Appellants' brief. The Appellants may file a Reply Brief or a notice that none will be filed, within 20 days after service of the Appellees' brief. ARCAP 15(a). All service is to be as prescribed by ARCAP 15.

**IT IS FURTHER ORDERED** that any amicus briefs are to be filed as set forth in ARCAP Rule 16(a), except that no further leave to file need be requested by the current amici. Their briefs are due no later than 20 days after the filing of the Response Brief. Any responses to amicus briefs shall be filed within 20 days of that date.

The Court will later set a date and time for oral argument.

DATED this \_\_\_\_\_ day of January, 2013.

---

Rebecca White Berch  
Chief Justice

TO:  
Colin F. Campbell  
Sharad H. Desai  
Thomas L. Hudson  
Chelsea Sage Durkin  
Bennett Evan Cooper  
Kami Galvani  
Shannon E. Trebbe  
Charles A. Grube  
Gregrey G. Jernigan  
Peter A. Gentala  
Pele K. Peacock  
Joni L. Hoffman  
Joseph Sciarrotta, Jr.  
Michael K. Jeanes  
Ruth Willingham  
jrs