

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise**

**JUDGE: HONORABLE CASEY MCGINLEY,**  
**DIVISION: SEVEN**  
**COURT REPORTER: LIBERTY DIGITAL**  
**INTERPRETER: None**

**AMY J. HUNLEY, Clerk of the Superior Court**  
by: MICHELLE GARCIA (12/1/2022 2:48:22 PM), Deputy Clerk

**HEARING DATE: 12/01/2022**

**ARIZONA ALLIANCE OF RETIRED AMERICANS, INC. and STEPHANI STEPHENSON**  
  
Plaintiffs,

VS

**TOM CROSBY, ANN ENGLISH, PEGGY JUDD, in their official capacities as members of the Cochise County Board of Supervisors,**  
  
Defendants.

**CASE NO: S0200CV202200552**

**MINUTE ENTRY: ORDER RE: SPECIAL ACTION**

**HEARING START TIME: 1:11 PM**

**HEARING END TIME: 2:04 PM**

**Plaintiffs represented by Lali Madduri, Esquire, and Jillian L. Andrews, Esquire**  
**Defendants present in person, without counsel**

This matter came regularly before the Court for an Order Regarding Special Action.

THE RECORD MAY SHOW this matter was called along with S0200CV202200553, with Plaintiff Katie Hobbs in her official capacity as Arizona Secretary of State represented by D. Andrew Gaona, Esquire, present by Zoom. The Defendants are the same in that matter, with the addition of Cochise County, a political subdivision of the State of Arizona.

Upon inquiry by the Court, Mr. Crosby addressed the Court and requested a continuance, citing the inability to hire counsel in a timely manner. The Court inquired of and heard from Mr. Crosby.

Ms. Madduri opposed the continuance and presented the position of Plaintiffs the Arizona Alliance of Retired Americans, Inc. (“the Alliance”) and Ms. Stephenson.

Mr. Gaona opposed the continuance and presented the position of Plaintiff Hobbs.

Mr. Crosby further addressed the Court.

For the reasons stated on the record, **IT IS ORDERED DENYING** Mr. Crosby’s oral request for a continuance.

The Court advised the Defendants of their right to represent themselves. Should the Defendants decline to represent themselves, the hearing will proceed anyway.

The Court noted that Mr. Gaona had filed a Motion to Consolidate.

Ms. Madduri had no objection to the Motion to Consolidate.

Mr. Crosby, Ms. Judd and Ms. English took no position.

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The Court FINDS it is proper to consolidate the two cases. Therefore, for the reasons stated on the record,

**IT IS ORDERED GRANTING** Mr. Gaona’s Motion to Consolidate. The matters shall be consolidated under case number S0200CV202200552.

The Court noted that Plaintiff the Alliance had filed a Motion for Leave to File *Amicus Curiae* Brief. The Court did not believe the brief would be helpful and that it was not appropriate to consider the brief. Therefore,

**IT IS ORDERED DENYING** Plaintiff’s Motion for Leave to File *Amicus Curiae* Brief. The brief will not be read nor considered.

Discussion was held with regard to the way in which to proceed.

The Court inquired of and heard from Ms. Madduri. Ms. Madduri agreed that without defense counsel present, the matter was a question of law, and that no testimony would be required.

Mr. Gaona concurred that the matter was a question of law and requested the Court admonish the supervisors of the potential consequences of failure to abide by the Court’s orders. The Court inquired of and heard from Mr. Gaona.

The Court advised the Defendants of their rights to represent themselves.

Mr. Crosby addressed the Court.

Ms. Judd addressed the Court. The Court inquired of and heard from Ms. Judd.

Ms. English addressed the Court. The Court inquired of and heard from Ms. Judd.

Ms. Madduri further addressed the Court.

Mr. Gaona further addressed the Court.

At 1:40 p.m. the Court called a recess with instructions to return at 1:55 p.m.

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Proceedings resumed at 1:56 p.m. with the presence of all parties previously announced.

The Court considered the pleadings filed by the parties, the argument and information presided today.

In further support of the record previously made regarding Mr. Crosby’s oral Motion to Continue, the Court FINDS that the Defendants all had sufficient notice of these proceedings, had sufficient notice of the impending lawsuit that would ensure of they chose to vote in a certain way at their Board of Supervisors meeting and were well aware of today’s hearing date. No counsel having filed a Notice of Appearance on their behalf, the Court FINDS it appropriate to proceed without counsel and commit them to represent themselves.

The Court FURTHER FINDS that continuing these proceedings to allow an attorney to “get up to speed” in three or four days would essentially render the whole issue moot.

The Court CONTINUES TO FIND that it was not in the interest of justice to continue these proceedings any further.

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For the reasons stated on the record, the Court FINDS a Writ of Mandamus is appropriate in this action. Therefore,

**IT IS ORDERED GRANTING** both Plaintiffs' requests for Writs of Mandamus.

**IT IS FURTHER ORDERED** the Cochise County Board of Supervisors shall convene at 3:30 p.m. today to hold a meeting of the Board of Supervisors and to canvass the election.

**IT IS FURTHER ORDERED** the canvass will be completed no later than 5:00 p.m. today and provided to the Secretary of State.

The Court declined to admonish the Board of Supervisors regarding the potential consequences for failure to abide by the Court's orders.

There being nothing further, proceedings concluded.

c: e-mailed (e) by: mmg date: 12/1/22

J. Andrews, Esq. (e)       L. Madduri, Esq. (e)       D. A. Gaona, Esq. (e)       DIV VII JAA (e)  
 A. Hunley (e)       Cochise County Board of Supervisors (e)

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