SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-090506 consol. 09/23/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

ADVOCATES FOR AMERICAN DISABLED INDIVIDUALS L L C, et al.

PETER STROJNIK

v.

1639 40TH STREET L L C, et al.

LINDSAY LEAVITT

MATTHEW B DU MEE
ROGER W HALL
MATTHEW D KOGLMEIER
HARVARD BUSINESS SERVICES INC
NO ADDRESS ON RECORD
SCOTT F FRERICHS
EVAN GUY DANIELS
DON C FLETCHER
JOHN DOUGLAS WILENCHIK

MINUTE ENTRY

Following up on the Court's Minute Entry dated September 8, 2016, the Court has pending the State of Arizona's Motion to Consolidate Cases for Limited Purposes (and) Set a Scheduling Conference. The Court has also considered the Plaintiff's Response (oral argument requested) in opposition and Plaintiff's Motion for Leave to File Supplemental or Amended Brief to the Motion to Consolidate and the State's Response in opposition. Because of its request for expedited consideration, the State has waived any reply in support of its Motion to Consolidate. Plaintiff has also requested an expedited ruling on the Motion for Leave to File an Amended Brief. Pursuant to Rule 7.1(a) ARCP, Plaintiff's reply memorandum is due after the date that is requested for the filing of the amended brief.

First, the Court finds that Plaintiffs have been given a full opportunity under the Rules to respond to the State's motion and that an amended or supplemental brief is unnecessary. The Court agrees that this matter has proceeded in an accelerated manner but this is largely the result of the filings and conduct of the parties, through counsel.

The legal issues raised in these several complaints are substantially similar. Whether there are factual issues that require a further analysis as argued by Plaintiff remains to be determined. The State has moved to consolidate "for limited purposes" and has set forth a persuasive argument in its Motion and in the separate Motion to Intervene for allowing consideration of the common legal issues. The common legal issues were framed by the Plaintiffs in the drafting and filing of their several complaints. In any event, the Court continues to recognize that the Plaintiffs' opposition to any future position/argument or motion of the State is preserved to Plaintiffs. Consolidation will not change that. (See Minute Entry dated September 8, 2016).

IT IS ORDERED granting the Motion to Consolidate those cases referred to in Appendix A attached to the Notice of Status of Service and Notice of Errata filed by the State on September 20, 2016. The Court believes the list also includes the cases consolidated by the Minute Entry dated August 25, 2016 (filed on September 6, 2016).

IT IS FURTHER ORDERED denying Plaintiff's Motion for Leave to File Supplemental or Amended Brief.

IT IS FURTHER ORDERED denying any request for oral argument on the Motion to Consolidate.

IT IS FURTHER ORDERED that except as to the Plaintiffs and the Intervener, State of Arizona and except as specifically provided herein, these consolidated cases are stayed pending further order of the Court. Filings will continue under CV 2016-090506 and the Plaintiffs and the State will continue to be responsible for providing notice to the consolidated defendants and/or their counsel of any additional filings by Plaintiffs or the State relating to the trial court proceeding. Unless good cause is demonstrated to the contrary, the service by other means approved by the Court is appropriate.

Initially, the Court would like to set the scheduling conference requested by the State to discuss management of the cases, a briefing schedule and deadlines. The Court also intends to include a further discussion and/or argument on issues presented on pages 2-4 of the Plaintiff's Response to the Motion to Consolidate.

IT IS FURTHER ORDERED setting a Telephonic Status Conference on **October 27, 2016 at 10:00 a.m. (30 minutes allotted)** with the State and Plaintiffs for the purpose of determining the status of the special action, of notice of this order to the consolidated defendants and to set a date for the scheduling conference requested by the State.

IT IS FURTHER ORDERED directing Plaintiffs not to file any new complaints raising substantially similar legal issues without leave of the Court.

NOTE: Counsel for the State is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this Division at (602) 506-6251 promptly at the scheduled time.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is $140 for a half-day and $280 for a full day.

Finally, with the issuance of this order and the stay, the "urgency" and request for expedited consideration of any issues appears unnecessary.