

# **EXHIBIT A**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2016-090506 consol.

02/17/2017

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT  
M. Kay  
Deputy

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

PETER STROJNIK

v.

CONSOLIDATED DEFENDANTS, et al.

CONSOLIDATED DEFENDANTS  
NO ADDRESS ON RECORD

v.

STATE OF ARIZONA

MATTHEW B DU MEE

EVAN GUY DANIELS

MINUTE ENTRY

Courtroom 207 – SEF

11:01 a.m. This is the time set for Oral Argument re: State of Arizona's Motion to Dismiss and Motion for Judgment on the Pleadings. Counsel, Peter Strojnik, is present on behalf of Plaintiffs (representative, Alex Callan, is also present). Counsel, Matthew B. Du Mee and Evan G. Daniels, are present on behalf of the State of Arizona.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties. Based on that review, the Court states its impressions and inclinations on the record.

Oral argument is presented.

Based on the arguments of counsel,

SUPERIOR COURT OF ARIZONA  
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**THE COURT FINDS** that there are no allegations in the Complaint that would support the tester argument raised by Plaintiffs in their memorandum. Plaintiff has failed to show a distinct and palpable injury in these cases. The Court previously found that the Complaints are substantially similar for purposes of the standing issue. For these reasons,

**IT IS ORDERED** dismissing the consolidated cases with prejudice except to the extent that Plaintiffs wish to pursue a Complaint for Mandamus against the State of Arizona through the Attorney General's Office. Any request for leave to amend the consolidated cases is denied.

**IT IS ORDERED** to the extent that the State of Arizona is requesting costs and/or fees, a Request is to be filed on or before **March 20, 2017**.

**IT IS ORDERED** directing counsel for the State of Arizona to submit a form of Order including Rule 54(c) language along with any Motion for Sanctions to the Court on or before **March 20, 2017**.

Discussion is held regarding the ruling in the minute entry issued by Judge Oberbillig on May 6, 2016 in consolidated case CV 2016-090543. The Court suggests that counsel confer regarding the issue.

Due to the distribution difficulty experienced by the Clerk of Court,

**IT IS ORDERED** directing the Plaintiffs and the State of Arizona to coordinate and cooperate to e-mail this Minute Entry to all parties involved in this matter using their separate e-mail lists.

11:51 a.m. Matter concludes.

**LATER:**

**THE COURT FINDS** that there is no just reason for delay.

This Minute Entry is amended to require a form of Order including Rule 54(b) language relating to the dismissal with prejudice of the consolidated cases instead of Rule 54(c) language.

**IT IS FURTHER ORDERED** that this dismissal does not apply to CV 2016-090543.

**IT IS FURTHER ORDERED** that all other consolidated cases remain stayed pending further order of the Court on issues relating to attorneys' fees and costs.

## **EXHIBIT B**

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Friday, February 17, 2017 4:20 PM  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** [REDACTED]

Today, the Court granted our motion to dismiss the consolidated cases with prejudice. Judge Talamante ruled from the bench after oral argument, stating that he would dismiss all of the consolidated cases (with the possible exception of the Tarian Properties case). The State will be submitting a proposed form of judgment to the Court.

**IMPORTANT:** The Court said today that applications for fees and costs must be submitted within the next 10 days. If you wish to request your fees and costs, you should file a motion with Judge Talamante within 10 days. Keep in mind that a "fee application must be in sufficient detail to enable the court to assess the reasonableness of the time incurred." *Schweiger v. China Doll Rest., Inc.*, 138 Ariz. 183, 188 (App. 1983).

The State will be filing its own Motion for Sanctions within the next 10 days as well. Please remember that the Attorney General's Office cannot represent private parties, and cannot give you any legal advice. We do not represent any defendant and will not be asking for fees on behalf of any defendant. So if you wish to apply for fees and costs, you need to submit your own fee application within 10 days.

For informational purposes only, we believe that only defendants that have hired an attorney are going to be able to request fees. We believe that only defendants that have filed documents with costs associated (such as an answer) are going to be able to recover those associated costs. If the circumstances permit, we would encourage counsel who are representing multiple defendants to file a single request for fees for their various defendants to reduce the volume of filings.

Thanks,  
Matthew

Matthew du Mée | Office of the Arizona Attorney General  
Senior Litigation Counsel  
Consumer Protection and Advocacy Section

# **EXHIBIT C**

**From:** [Joan Weyrauch - SUPCRTX](#)  
**To:** [du Mee, Matthew](#); [REDACTED]  
**Subject:** RE: AID - Status of Second Motion to Consolidate Cases  
**Date:** Tuesday, February 28, 2017 3:26:10 PM

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I apologize for the lateness of this response. They had to replace the hard drive on my system.

I spoke to the Judge and he said the following:

- 1) There is no deadline for the applications for fees as those cases that are consolidated under the main case are still stayed. Until he lifts the stay, there is no deadline to file the applications.
- 2) Those parties that have not yet entered an appearance do not need to file anything as those cases are stayed as well. Until the stay is lifted, there is no need to file anything.

He is approving the minute entry from the 17<sup>th</sup> today so that should be on the system tomorrow. I once again apologize for the delay in that being issued.

If you have any further questions, please don't hesitate to contact me.

Thank you!

**Joan Weyrauch**  
Judicial Assistant to Judge David M. Talamante  
222 E. Javelina, Suite 2G  
Mesa, AZ 85210  
Office: (602) 506-6251  
Fax: (602) 372-8660

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**From:** du Mee, Matthew [mailto:Matthew.duMee@azag.gov]  
**Sent:** Tuesday, February 28, 2017 1:53 PM  
**To:** Joan Weyrauch - SUPCRTX; [REDACTED]  
**Subject:** RE: AID - Status of Second Motion to Consolidate Cases

Ms. Weyrauch,

Thank you for this information. I have a couple of questions that have frequently come up from defendants.

- 1) Will fee applications be due 10 court days from Judge Talamante's ruling from the bench (this would be March 6, by our calculation), or 10 days after the minute entry is issued?
- 2) For defendants' counsel that have not yet entered an appearance on behalf of their clients (but have nonetheless expended fees), can they file a letter brief with Judge Talamante? Or do they need to enter an appearance and pay the associated fee?

Any guidance you can give on these issues would be very much appreciated.

Thanks,