

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,

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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.