

IN THE  
**COURT OF APPEALS**  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 09/27/2024  
AMY M. WOOD,  
CLERK  
BY: AMI

ARIZONA FREE ENTERPRISE CLUB, et ) Court of Appeals  
al., ) Division One  
) No. 1 CA-CV 24-0667  
Plaintiffs/Appellees, )  
) Maricopa County  
v. ) Superior Court  
) No. CV2024-002760  
ADRIAN FONTES, et al., )  
) DEPARTMENT D  
Defendants/Appellants. )  
\_\_\_\_\_ )

**ORDER GRANTING STAY IN PART, DENYING STAY IN PART**

The Court, Presiding Judge Michael S. Catlett, Judge Jennifer M. Perkins, and Vice Chief Judge Randall M. Howe, has considered Appellants' Motion for Stay Pending Appeal, or, Alternatively to Expedite Briefing Schedule, the response, and reply.

A party seeking a stay must establish (1) a strong likelihood of success on the merits, (2) irreparable harm if the stay is not granted, (3) the harm to the appellants outweigh the harm to appellees, and (4) public policy favors granting the stay. *Smith v. Ariz. Citizens Clean Elections*, 212 Ariz. 407, 410, ¶¶ 9-10 (2006).

Based on the parties' arguments and review of the record, in the exercise of the court's discretion,

**IT IS ORDERED** that the motion for stay pending appeal is granted in part.

**IT IS FURTHER ORDERED** that the superior court's preliminary injunction is stayed pending appeal as to the following portions of Chapter 9, Section III(D), of the Election Procedures Manual:

- First paragraph, second sentence.
- Second paragraph in its entirety (including the three bullet point subsections).

**IT IS FURTHER ORDERED** that the foregoing stay pending appeal shall remain in place until further order of the Court.

**IT IS FURTHER ORDERED** that the motion for stay pending appeal is otherwise denied.

The court has also considered Appellants' alternative request to expedite the briefing schedule.

**IT IS FURTHER ORDERED** denying the request without prejudice to the parties filing briefs as quickly as they wish before the due dates.

\_\_\_\_\_/s/\_\_\_\_\_  
Michael S. Catlett, Presiding Judge

A copy of the foregoing  
was sent to:

Andrew W. Gould  
Drew Curtis Ensign  
Dallin B Holt  
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Daniel Tilleman  
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