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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**
16 **PHOENIX DIVISION**

17 William Price Tedards, Jr.; Monica Wnuk;
Barry Hess; Lawrence Lilien; and Ross
18 Trumble,

19 Plaintiffs,

20 v.

21 Doug Ducey, Governor of Arizona, in his
official capacity, and Martha McSally,
22 Senator of Arizona, in her official capacity,

23 Defendants.
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No. 2:18-cv-4241-PHX-DJH

Hon. Diane J. Humetewa

**PLAINTIFFS' MOTION FOR
STATUS CONFERENCE**

1 Plaintiffs, by their undersigned counsel, respectfully move for a status conference
2 to discuss the disposition of their renewed motion for a preliminary injunction, Docket
3 #14. Because the motion is seeking time-sensitive relief, and every day that passes
4 without that relief compounds the irreparable harm being done, such a status hearing may
5 be appropriate.
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7 As this Court is aware, this lawsuit was filed, with an initial motion for a
8 preliminary injunction, on November 29, 2018. Plaintiffs filed a renewed motion for
9 preliminary injunction on December 28, 2018, and the motion was fully briefed on
10 January 18, 2019. The case has been under advisement since combined oral arguments on
11 April 12, 2019
12

13 In a case like this, involving a representative of the people of Arizona and a
14 breach of the Constitution, there is even greater urgency, especially when one party or
15 other may file an appeal. A year ago, in a case raising a virtually identical challenge to
16 the use of temporary appointments to fill a Senate vacancy, the U.S. Court of Appeals for
17 the Ninth Circuit stated that these cases would receive expedited consideration. In
18 *Hamamoto v. Ige*, 881 F.3d 719 (9th Cir 2018) this Circuit states at page 723: "[A] suit
19 challenging the appointment of a United States senator raises questions of national
20 importance, and the judicial system has evolved procedures for expediting review of
21 time-sensitive controversies..."
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25 The Ninth Circuit then notes that a preliminary injunction motion brought
26 regarding the method of balloting in a statewide California election was considered and
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1 ruled upon by the district court, reversed by an appellate panel, and then affirmed by an
2 en banc panel, all within 47 days of the plaintiffs filing suit. *Id*

3 Plaintiffs recognize that this case raised important issues and deserves the careful
4 consideration of this Court. Plaintiffs respectfully request a status conference to discuss
5 this matter only if this Court deems it appropriate.

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7 Respectfully Submitted,

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9 Dated: June 11, 2019

By: /s/ Michael P. Persoon
One of Plaintiffs' Attorneys

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