

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-090506 consol.

09/08/2016

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

LINDSAY LEAVITT

MATTHEW B DU MEE
SCOTT F FRERICHS
EVAN GUY DANIELS
DON C FLETCHER

MINUTE ENTRY

The Court has before it the State of Arizona's Motion to Intervene as a Limited Purpose Defendant and Request for Expedited Consideration and Plaintiffs' Response (oral argument requested) filed in opposition. The consolidated Defendants have previously indicated that they have no objection to the State's Motion to Intervene. The State has waived the filing of a reply.

In an exercise of discretion, the Court finds that the State has an interest in the issues and subjects raised in the consolidated cases which may be impaired if intervention is not allowed. Because of the number of cases at issue, the Court finds further that the State's intervention will not unduly delay or prejudice the rights of Plaintiffs or the consolidated Defendants.

Plaintiffs' opposition anticipates (fairly) the State's position as a "limited" purpose "Defendant". Those arguments are preserved to Plaintiff in any response to a position/argument or subsequent Motion advanced by the State in future filings.

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IT IS ORDERED granting the State's Motion to Intervene pursuant to both Rule 24 (a) & (b), ARCP.

IT IS FURTHER ORDERED denying Plaintiffs' request for oral argument.

IT IS FURTHER ORDERED approving the form of Order granting the State's Motion to Intervene signed by the Court on September 7, 2016 and filed (entered) by the Clerk on September 8, 2016.

Finally, there is still pending the State of Arizona's Motion to Consolidate Cases for Limited Purposes, Set a Scheduling Conference and Allow Leave to Serve by Other Means filed on August 30, 2016. To facilitate the providing of notice of this separately filed Motion to Consolidate, the Court expedited and approved the Order Granting Leave to Serve by Other Means proposed by the State. Once the Court is satisfied that Plaintiff and all other interested parties have been provided with notice and an opportunity to respond, the Court will rule on the pending Motion. Responses should be filed in CV 2016-090506 only.