

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-005713

01/24/2025

HONORABLE MELISSA IYER JULIAN

CLERK OF THE COURT
A. Cage
Deputy

OWEN ANDERSON, et al.

STACY C SKANKEY

v.

ARIZONA BOARD OF REGENTS

THOMAS D RYERSON

JONATHAN RICHES
COURT OF APPEALS
JUDGE JULIAN

Ruling

Re: Motion to Stay/Joint Report Held/Designation of Issue for Special Action Review

This Court has considered Defendant's Motion to Stay, filed January 3, 2025, as well as the parties' joint report and proposed scheduling order, filed January 23, 2025. Following this Court's order granting in part and denying in part, Defendant's Motion to Dismiss, a petition for special action review of that ruling was filed with Division One of the Arizona Court of Appeals. The Court agrees that the motion raised novel legal issues involving the interpretation of a state statute and whether it implies a private right of action. Further, the Court agrees that a temporary stay of these proceedings is appropriate to avoid the unnecessary expense of litigation at the trial court level while the Court of Appeals considers the pending petition. The Court will mitigate concerns regarding delay by granting an initial stay until (1) the Court of Appeals issues a ruling on the pending special action petition or (2) until May 15, 2025 (90 days from the reply brief deadline set for the pending special action petition), whichever occurs first. In the interim, the Court will hold the parties' proposed scheduling order and joint report in abeyance until this stay is lifted.

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IT IS THEREFORE ORDERED granting, in part, Defendant's Motion to Stay, filed January 3, 2025.

IT IS FURTHER ORDERED staying discovery and disclosure in these proceedings until (1) the Court of Appeals issues a ruling on the pending special action petition in 1-CA-SA 25-007 or (2) May 15, 2025, whichever occurs first.

IT IS FURTHER ORDERED holding in abeyance the parties Joint Report and Proposed Scheduling Order, filed January 23, 2025, until the stay ordered herein is lifted.

Issue Designated for Special Action Review

Pursuant to Rule 13(a) of the Arizona Rules of Procedure for Special Actions, the Court designates the issue set forth below as appropriate for special action review as addressed by this Court's Under Advisement Ruling regarding Defendant's Motion to Dismiss. (*See Minute Entry Ruling*, filed 12/17/2024.) The determination of whether the legislature intended to imply a private right of action when it enacted A.R.S. § 41-1494 is a matter of statewide importance as the statute applies to conduct by the state and all state agencies and political subdivisions. Further, the issue presented is a question of law regarding the interpretation of a state statute and is a matter of first impression. *See* Ariz. R. Spec. Action P. 12(b)(3)-(4). Finally, in the event this Court's ruling is overturned early by special action review, both the parties' and the Court's resources in conducting discovery and trial may be saved by avoiding delay in appellate review of the issue designated. Accordingly, this Court designates the following issue for special action review:

Issue Designated: Does A.R.S. § 41-1494 imply a private right of action for alleged violations of subsection ((A))?