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JUN 18 2024

CLERK OF THE SUPERIOR COURT
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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 WILLIAM JAMES "JIM" LANE;
13 YVONNE CAHILL; SUSAN WOOD; AND
14 SCOTTSDALE QUALIFIED VOTER IV,

15 Plaintiffs,

16 vs.

17 CITY OF SCOTTSDALE, a municipal
18 corporation; DAVID D. ORTEGA,
19 SOLANGE WHITEHEAD, TAMMY
20 CAPUTI, TOM DURHAM, BARRY
21 GRAHAM, BETTY JANICK, and KATHY
22 LITTLEFIELD, in their official capacities as
23 members of and constituting the City
24 Council of the City of Scottsdale;
25 BENJAMIN LANE, in his official capacity
26 as the Maricopa County Recorder; and
27 ADRIAN FONTES, in his official capacity
28 as the Arizona Secretary of State,

Defendants,

Case No. **CV 2024-015767**

**APPLICATION FOR ORDER TO
SHOW CAUSE**

**EXPEDITED RULING
REQUESTED**

29 Pursuant to Rule 7.3 of the Arizona Rules of Civil Procedure, Plaintiffs
30 hereby move this Court for issuance of an Order to Show Cause why this Court should not
31 immediately and permanently enjoin Defendants from placing a measure on the ballot that
32 misleads Scottsdale voters.

33 The Scottsdale City Council approved a new sales tax measure at its April 2024
34 meeting that it will refer to voters for approval at the November 2024 General Election.
35 As set forth in Plaintiffs' Verified Complaint and Motion for Preliminary and Permanent

1 Injunction filed herewith, the approved referral language tells Scottsdale voters that they
2 will be “replacing and reducing” a current sales tax when, in fact, the tax being “replaced
3 and reduced” expires before the new sales tax takes effect. By approving the City’s new
4 tax measure, voters will be increasing their sales tax rate, not “reducing” it. The approved
5 ballot language, therefore, is inherently misleading and engages in a “bait and switch.”

6 To avoid waste of resources and voter confusion, action must be taken before
7 ballots are printed and publicity pamphlets published, with these activities likely
8 commencing in August or September, if not earlier. This Court has the power to
9 disqualify the misleading measure from appearing on the ballot. *Molera v. Hobbs*, 250
10 Ariz. 13, 20 ¶ 13 (2020). Pursuant to Rule 65 of the Arizona Rules of Civil Procedure,
11 therefore, the Court should preliminarily and permanently enjoin Defendants from placing
12 it on the ballot.

13 Plaintiff requests that the hearing be set at the Court’s earliest availability due to
14 the upcoming deadlines for publishing of the publicity pamphlets and printing of the
15 ballots.

16
17 **RESPECTFULLY SUBMITTED** this 17th day of June 2024.

18 GOLDWATER INSTITUTE

19 /s/ Scott Day Freeman

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21 Adam Shelton (038252)

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