22

23

24

25

26

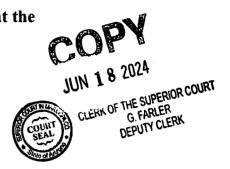
27

28

Scott Day Freeman (019784) Adam Shelton (038252) Scharf-Norton Center for Constitutional Litigation at the GOLDWATER INSTITUTE 500 E. Coronado Rd. Phoenix, Arizona 85004 (602) 462-5000

litigation@goldwaterinstitute.org

Attorneys for Plaintiffs



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MARICOPA

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

Plaintiffs,

vs.

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

Defendants,

Case No. CV 2024-015767

APPLICATION FOR ORDER TO SHOW CAUSE

EXPEDITED RULING REQUESTED

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

The Scottsdale City Council approved a new sales tax measure at its April 2024 meeting that it will refer to voters for approval at the November 2024 General Election.

As set forth in Plaintiffs' Verified Complaint and Motion for Preliminary and Permanent

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

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

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

RESPECTFULLY SUBMITTED this 17th day of June 2024.

GOLDWATER INSTITUTE

/s/ Scott Day Freeman
Scott Day Freeman (019784)
Adam Shelton (038252)
Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE
500 E. Coronado Rd.
Phoenix, Arizona 85004

Attorneys for Plaintiffs