

ARIZONA SUPERIOR COURT, PIMA COUNTY

JUDGE: Hon. GUS ARAGON

CASE NO. C-20150346

DATE: February 4, 2015

DEBRA ARRETT, et al.,  
Plaintiffs

VS.

JULIE K BOWER  
Defendant

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**R U L I N G**

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AMENDED UNDER ADVISEMENT RULING RE: SPECIAL ACTION (AMENDED TO INCLUDE JUDGE ARAGON'S SIGNATURE)

Before the Court is Plaintiffs' statutory special action. This matter was heard on an expedited basis. The Court heard and denied Defendant's Motion to Dismiss and Motion for Summary Judgment on February 3, 2015, and heard testimony from witnesses presented by Plaintiffs and cross examined by Defendant and received in evidence several exhibits. Once the Court denied the dispositive motions and Plaintiffs' request to stay further action by the Town of Oro Valley on the challenged resolution, the parties agreed that the Court had heard and received all of the evidence necessary for a ruling on the merits. The Court now issues this ruling on the merits.

This special action was filed by the Plaintiffs to challenge the rejection by Defendant Oro Valley Town Clerk of certain referendum petitions submitted by Plaintiffs. The petitions were intended to challenge any further action by Oro Valley under town resolution (R) 14-66, approved on December 17, 2014. The resolution authorizes the Town of Oro Valley to purchase certain real estate known as El Conquistador Country Club Golf and Tennis facilities. The petitions in question were timely submitted to the Defendant. Defendant processed the petitions and rejected them on January 20, 2015.

J. Herrera

Judicial Administrative Assistant

**R U L I N G**

In testimony and written documents Defendant has presented evidence showing that the petitions in question were rejected for various reasons, including the failure of the petitions to comply with A.R.S. § 19-101 and 19-111(B). There were several bases for the Clerk's rejection of the petitions (see Exhibit 4 and attachments to Defendant's Motion to Dismiss/Motion for Summary Judgment). The only basis for rejection being challenged here is rejection based upon failure of the petitions to contain the assigned official serial number in the appropriate location. There is no dispute that the rejected petitions omitted the assigned official serial number in the appropriate location. Plaintiffs argue that this omission is not significant and it should not have resulted in rejection of the petitions.

The Court finds that A.R.S. § 19-111(B) requires that each petition submitted by Plaintiffs contain, on the lower right hand corner on both sides of each copy, the assigned official serial number. The official serial number had been assigned and provided to the Plaintiffs as required by law. The Court finds that Plaintiffs failed to comply with the plain language of the applicable statute, and the petitions were not legally sufficient under A.R.S. § 19-111(B). The Court finds that Plaintiffs have failed to satisfy their burden of proof. The Court further finds that Defendant's actions being challenged in this matter complied with Arizona law.

IT IS THEREFORE ORDERED DENYING SPECIAL ACTION RELIEF. No further matters remain pending and JUDGMENT DENYING SPECIAL ACTION RELIEF IS ENTERED pursuant to Arizona Rules of Civil Procedure, Rule 54(C).

  
**HON. GUS ARAGON**

(ID: b18ec05e-028a-4442-be6b-855d7095ca38)

J. Herrera

Judicial Administrative Assistant

**RULING**

cc: William J. Risner, Esq.  
Patricia E Ronan, Esq.  
Clerk of Court - Under Advisement Clerk

J. Herrera

Judicial Administrative Assistant