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OCT 28 2024

COURT OF APPEALS
DIVISION TWO



Court of Appeals

STATE OF ARIZONA
DIVISION TWO

O R D E R

2 CA-CV 2024-0241
Department A
Maricopa County
Cause No. CV2024050553

RE: REPUBLICAN NATIONAL COMMITTEE; REPUBLICAN PARTY OF ARIZONA... v. ADRIAN FONTES; VOTO LATINO...

On the Court's own motion, this matter arises from a special action complaint filed in Maricopa County Superior Court, alleging that appellee Adrian Fontes failed to comply with the Arizona Administrative Procedure Act in promulgating the 2023 Elections Procedures Manual (EPM). Appellants challenge the superior court's order granting appellees' motions to dismiss and denying appellants' request for a preliminary injunction preventing the EPM's enforcement or implementation in the 2024 general election. In an order dated August 29, 2024, this court denied appellants' request for an expedited briefing schedule. Briefing is now complete, and this matter will be decided in due course.

ORDERED: To the extent appellants have requested in their opening brief that this court grant preliminary injunctive relief in advance of our decision on appeal, the request is **DENIED**. See *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006); *Fontes v. Lewis*, No. CV-24-0251-T/AP (Ariz. Oct. 25, 2024) (decision order). We additionally note that such a request is properly raised in a separate motion, see Ariz. R. Civ. App. P. 6, 7(c), and not in an opening brief filed under Rule 13, Ariz. R. Civ. App. P.

Judges Staring and O'Neil concurring.

DATED: October 28, 2024

_____/s/_____
Lacey S. Gard
Presiding Judge

2 CA-CV 2024-0241

Maricopa County Superior Court Number CV2024050553

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