

**Arizona Supreme Court**

Civil Petition for Review - Appeal

**CV-20-0030-PR**

**AMERICAN CIVIL LIBERTIES UNION OF AZ v DCS**

**Appellate Case Information**

Case Filed: 3-Feb-2020  
Case Closed:

**Dept/Composition**

**En Banc**  
Hon. Robert Brutinel  
Hon. Ann A. Scott Timmer  
Hon. Clint Bolick  
Hon. Andrew W. Gould  
Hon. James P. Beene

**Side 1. AMERICAN CIVIL LIBERTIES UNION OF ARIZONA, Plaintiff/Appellee**

(Litigant Group) AMERICAN CIVIL LIBERTIES UNION OF ARIZONA

- American Civil Liberties Union of Arizona

**Attorneys for: Plaintiff/Appellee**

L Keith Beauchamp, Esq. (AZ Bar No. 12434)  
Roopali H Desai, Esq. (AZ Bar No. 24295)  
D Andrew Gaona, Esq. (AZ Bar No. 28414)

**Side 2. ARIZONA DEPARTMENT OF CHILD SAFETY, Defendant/Appellant**

(Litigant Group) ARIZONA DEPARTMENT OF CHILD SAFETY

- Department of Child Safety

**Attorneys for: Defendant/Appellant**

Mark Brnovich, Esq. (AZ Bar No. 14134)  
Thomas Jose, Esq. (AZ Bar No. 35257)

**Side 3. ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST, GOLDWATER INSTITUTE, AND ARIZONA CENTER FOR DISABILITY LAW, Amicus Curiae**

(Litigant Group) ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST, GOLDWATER INSTITUTE, AND ARIZONA CENTER FOR DISABILITY LAW

- Arizona Center for Law in the Public Interest
- Goldwater Institute
- Arizona Center for Disability Law

**Attorneys for: Amicus Curiae**

Daniel J Adelman, Esq. (AZ Bar No. 11368)  
Jonathan Matthew Riches, Esq. (AZ Bar No. 25712)  
Rose A Daly-Rooney, Esq. (AZ Bar No. 15690)

**Side 4. FIRST AMENDMENT COALITION OF ARIZONA, Amicus Curiae**

(Litigant Group) FIRST AMENDMENT COALITION OF ARIZONA

- First Amendment Coalition of Arizona Inc

**Attorneys for: Amicus Curiae**

Daniel C Barr, Esq. (AZ Bar No. 10149)  
Karl J Worsham, Esq. (AZ Bar No. 35713)

**CASE STATUS**

Aug 25, 2020....At Issue Jul 28, 2020.....Oral Argument Granted  
Feb 3, 2020.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 18-0486					
↔ MAR CV2014-007505	Plaintiff's Request for a Rule 16 Scheduling Conference		David B Gass, Authoring Judge of Order Comments: (none)		

**23 PROCEEDING ENTRIES**

- 3-Feb-2020 FILED: Unopposed Motion for Procedural Order; Certificate of Service (Appellee ACLU-AZ)
- 4-Feb-2020 An "Unopposed Motion for Procedural Order" (Appellee ACLU-AZ) having been filed on February 03, 2020,  
  
IT IS ORDERED granting a first extension of time to file the petition for review on or before March 6, 2020. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by March 6, 2020. (Janet Johnson, Clerk)
- 5-Mar-2020 FILED: DCS's Notice of Association of Counsel (Attorney Tom Jose for Appellant); Certificate of Service (Appellant DCS)
- 6-Mar-2020 FILED: Combined Petition for Review and Appendix; Certificate of Service; Certificate of Compliance; Opinion; Under Advisement Ruling (Appellee ACLU-AZ)

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5. 9-Mar-2020 FILED: Record from CofA: Electronic Record
6. 13-Mar-2020 RECEIPT No.: 2020-00322 ; \$280.00, Authorization: 821575561615849580, Applied to: AMERICAN CIVIL LIBERTIES UNION OF ARIZONA - Class A Filing Fee (\$280.00) Paid for: AMERICAN CIVIL LIBERTIES UNION OF ARIZONA - By nCourt LLC
7. 25-Mar-2020 FILED: DCS's Motion for Procedural Order for Extension of Time to File Response for Petition for Review; Certificate of Service (Appellee DCS)
8. 26-Mar-2020 "DCS's Motion for Procedural Order for Extension of Time to File Response for Petition for Review" (Appellant DCS) having been filed on March 25, 2020,  
  
IT IS ORDERED granting a first extension of time to file the response to petition for review on or before May 6, 2020. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
9. 6-May-2020 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee DCS)
10. 27-May-2020 FILED: Brief of Amici Curiae Arizona Center for Law in the Public Interest, Goldwater Institute, and Arizona Center for Disability Law in Support of Petition for Review Filed with Consent of All Parties; Certificate of Service; Certificate of Compliance (Amici Arizona Center for Law in Public Interest, et al.)
11. 27-May-2020 FILED: Consent of All Parties (Amici Arizona Center for Law in Public Interest, et al.)
12. 16-Jun-2020 FILED: Response to Brief of Amici Curiae in Support of Petition for Review; Certificate of Service; Certificate of Compliance (Appellant DCS)
13. 25-Aug-2020 ORDERED: Petition for Review = CONTINUED.  
  
FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellee American Civil Liberties Union of Arizona) = CONTINUED.  
  
Justice Lopez and Justice Montgomery did not participate in the determination of this matter.
14. 25-Aug-2020 ORDERED: Petition for Review = GRANTED as to Issue 1 only.  
  
FURTHER ORDERED: Request for Attorneys' Fees (Appellee American Civil Liberties Union of Arizona) = CONTINUED.  
  
FURTHER ORDERED: The case shall be set for oral argument.  
  
FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of the Court's Minute Letter. Any amicus briefs are due on or before September 29, 2020, and any responses to amicus briefs are due on or before October 14, 2020. Any amicus briefs or responses may not exceed 20 pages in length.  
  
Justice Lopez and Justice Montgomery did not participate in the determination of this matter.
15. 31-Aug-2020 NOTICE OF ORAL ARGUMENT: Set for Tuesday, November 17, 2020 at 9:45 A.M. [twenty minutes (20) per side]
16. 1-Sep-2020 FILED: Remaining Record from CofA - MCSC:  
  
MCSC:  
Superior Court Record (Electronic)  
Exhibits: HD 09/30/2014 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 IN A BOX  
  
CofA 1:  
CofA1 Record(Electronic)
17. 2-Sep-2020 FILED: Notice of Filing Acknowledgment of Oral Argument (Tom Jose will argue) (Appellant DCS)
18. 2-Sep-2020 FILED: Notice of Filing Acknowledgment of Oral Argument (D. Andrew Gaona will argue) (Appellee ACLU-AZ)
19. 16-Sep-2020 FILED: Department of Child Safety's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant DCS)
20. 16-Sep-2020 FILED: Petitioner's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee ACLU-AZ)
21. 28-Sep-2020 FILED: Brief of Amicus Curiae First Amendment Coalition of Arizona; Certificate of Service; Certificate of Compliance (Amicus Curiae First Amendment Coalition of Arizona)
22. 28-Sep-2020 FILED: Certificate of Consent (Amicus Curiae First Amendment Coalition of Arizona)

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**23 PROCEEDING ENTRIES**

23. 14-Oct-2020 FILED: Department of Child Safety's Response to Brief of Amicus Curiae First Amendment Coalition; Certificate of Service; Certificate of Compliance (Appellant DCS)