

1 MARK BRNOVICH  
Attorney General  
2 (Firm State Bar No. 14000)  
Joseph A. Kanefield (No. 15838)  
3 Brunn W. Roysden III (No. 28698)  
Michael S. Catlett (No. 025238)  
4 Office of the Attorney General  
2005 N. Central Avenue  
5 Phoenix, Arizona 85004  
Telephone: (602) 542-8958  
6 Email: [Beau.Roysden@azag.gov](mailto:Beau.Roysden@azag.gov)  
Email: [Michael.Catlett@azag.gov](mailto:Michael.Catlett@azag.gov)  
7 Email: [ACL@azag.gov](mailto:ACL@azag.gov)

8 FENNEMORE CRAIG, P.C.  
Patrick Irvine (No. 006534)  
9 Phil Brailsford (No. 032074)  
2394 E. Camelback Road, Suite 600  
10 Phoenix, Arizona 85016  
Telephone: (602) 916-5000  
11 Email: [pirvine@fennemorelaw.com](mailto:pirvine@fennemorelaw.com)  
Email: [pbrailsford@fennemorelaw.com](mailto:pbrailsford@fennemorelaw.com)

12 *Attorneys for State of Arizona*

13 SUPERIOR COURT OF ARIZONA

14 MARICOPA COUNTY

15 DOUGLAS HESTER, a teacher in the  
16 Phoenix Union High School District,

17 Plaintiff,

18 v.

19 PHOENIX UNION HIGH SCHOOL  
20 DISTRICT, et al.,

21 Defendants.

No. CV2021-012160

**STATE OF ARIZONA'S RESPONSE  
TO HESTER'S MOTION TO  
CONSOLIDATE**

(Assigned to the Hon. Randall Warner)

22 ARIZONA SCHOOL BOARDS  
23 ASSOCIATION, INC., an Arizona  
nonprofit corporation, et al.,

24 Plaintiffs,

25 v.

26 STATE OF ARIZONA, a body politic,

27 Defendant.

No. CV2021-012741

(Assigned to the Hon. Katherine Cooper)

28

1 The State of Arizona, Defendant in *Arizona School Boards Association, Inc. et al.*  
2 *v. State of Arizona*, No. CV2021-012741 (“ASBA”), opposes Douglas Hester’s motion to  
3 consolidate ASBA with his case, *Hester v. Phoenix Union High School Dist. et al*, No.  
4 CV2021-012160 (“*Hester*”). The Defendants in *Hester* and the Plaintiffs in ASBA have  
5 also opposed the motion.

6 The State agrees with the other objectors that there are material differences  
7 between the two cases and consolidation will not avoid unnecessary costs or delays. ASBA  
8 involves different parties than *Hester*, numerous statutory provisions that are not at issue  
9 in *Hester*, and whether there will be any common issues of law or fact between the two  
10 cases is currently unknown given the lack of any ripe controversy in *Hester*.

11 Therefore, the motion should be denied.

12 DATED this 25th day of August, 2021.

13 FENNEMORE CRAIG, P.C.

14  
15 By: /s/ Patrick Irvine

16 Patrick Irvine  
Phil Brailsford

17 MARK BRNOVICH  
18 ATTORNEY GENERAL  
19 Joseph A. Kanefield  
Brunn W. Roysden III  
20 Michael S. Catlett  
Assistant Attorneys General

21 *Attorneys for Defendant*  
*State of Arizona*

1 ELECTRONICALLY FILED  
on the 25th day of August, 2021, with  
2 the Clerk of the Maricopa County  
Superior Court using AZTurboCourt.

3 A copy has been electronically served via AZTurbo  
4 Court, an electronic filing service provider  
approved by the Administrative Office of the  
5 Courts, this 25th day of August, 2021, on:

6 Alexander Kolodin  
Christopher Viskovic  
7 Kolodin Law Group PLLC  
3443 North Central Avenue, Suite 1009  
8 Phoenix, AZ 85012  
Email: [Alexander.Kolodin@KolodinLaw.com](mailto:Alexander.Kolodin@KolodinLaw.com)  
9 Email: [CViskovic@KolodinLaw.com](mailto:CViskovic@KolodinLaw.com)  
Email: [Admin@KolodinLaw.com](mailto:Admin@KolodinLaw.com)  
10 *Attorneys for Plaintiff in CV2021-12160*

11 Mary R. O'Grady  
Joshua D. Bendor  
12 Emma J. Cone-Roddy  
Osborn Maledwon, P.A.  
13 2929 North Central Avenue, 21st Floor  
Phoenix, AZ 85012-2793  
14 Email: [mogrady@omlaw.com](mailto:mogrady@omlaw.com)  
Email: [jbendor@omlaw.com](mailto:jbendor@omlaw.com)  
15 Email: [econe-roddy@omlaw.com](mailto:econe-roddy@omlaw.com)  
*Attorneys for Defendants in CV2021-12160*

16 Roopali H. Desai  
17 D. Andrew Gaona  
Kristen Yost  
18 Coppersmith Brockelman PLC  
2800 North Central Avenue, Suite 1900  
19 Phoenix, AZ 85004  
Email: [rdesai@cblawyers.com](mailto:rdesai@cblawyers.com)  
20 Email: [agaona@cblawyers.com](mailto:agaona@cblawyers.com)  
Email: [kyost@cblawyers.com](mailto:kyost@cblawyers.com)  
21 *Attorneys for Plaintiffs in CV2021-012741*

22 Daniel J. Adelman  
Arizona Center for Law in the Public Interest  
23 352 East Camelback Road, Suite 200  
Phoenix, AZ 85012  
24 Email: [danny@aclpi.org](mailto:danny@aclpi.org)  
*Attorneys for Plaintiffs in CV2021-012741*

25  
26 /s/ Phyllis Warren  
18745893