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ARIZONA SUPERIOR COURT  
MARICOPA COUNTY

11 CHARLENE R. FERNANDEZ, Minority Leader  
12 of the Arizona House of Representatives, in her  
13 official capacity; and DAVID T. BRADLEY,  
14 Minority Leader of the Arizona Senate, in his  
15 official capacity,

*Plaintiffs,*

16 v.

17 COMMISSION ON APPELLATE COURT  
18 APPOINTMENTS,  
19

*Defendant.*

Case No.: CV 2020-095696

**FIRST AMENDED VERIFIED  
COMPLAINT FOR SPECIAL  
ACTION**

**INTRODUCTION**

21  
22  
23 Charlene R. Fernandez, Minority Leader of the Arizona House of Representatives,  
24 and David T. Bradley, Minority Leader of the Arizona Senate (collectively “Plaintiffs”),  
25 hereby file this First Amended Special Action Complaint for violations of Article IV, Part  
26  
27 2, Section 1 of the Arizona Constitution related to the Commission on Appellate Court  
28

1 Appointments’ obligation to establish a pool of persons who are qualified for appointment  
2 to the Arizona Independent Redistricting Commission (“AIRC”). The Commission on  
3 Appellate Court Appointments (“CACA”) is named as defendant for its failure to execute  
4 its duty to nominate qualified persons to the pool of qualified candidates.  
5

6 **THE PARTIES**

7 1. Plaintiff Charlene R. Fernandez is the representative of Arizona District 4  
8 and the Minority Leader of the Arizona House of Representatives. As Minority Leader, she  
9 has the right to appoint one nominee to the AIRC from the pool of qualified candidates that  
10 is to be established by Defendants.  
11

12 2. Plaintiff David T. Bradley is the senator of Arizona District 10 and Minority  
13 Leader of the Arizona Senate. As Minority Leader, he has the right to appoint one nominee  
14 to the AIRC from the pool of qualified candidates that is to be established by Defendants.  
15

16 3. The CACA is a judicial nominating commission under Section 36 of Article  
17 VI of the Arizona Constitution. The CACA is also responsible for nominating candidates  
18 for appointment to the AIRC. *Id.* at art. IV, pt. 2, § 1.  
19

20 **JURISDICTIONAL STATEMENT**

21 4. This Court has jurisdiction under Section 14 of Article VI of the Arizona  
22 Constitution and under A.R.S. § 12-123. This Court has jurisdiction over mandamus  
23 actions pursuant to A.R.S. § 12-2021. Special action is appropriate in this matter because  
24 Defendants have failed to perform a duty they are required by law to perform without  
25 discretion. Ariz. R. Spec. Act. 3(a).  
26  
27  
28



1           10. Of the 138 applications received, 38 individuals were registered as  
2 Independent. *Id.*

3           11. On September 17, 2020, 11 Independent applicants were selected for  
4 interviews at a screening meeting. *See*  
5 [https://www.azcourts.gov/Portals/75/IRC/Documents/NewsRelease-](https://www.azcourts.gov/Portals/75/IRC/Documents/NewsRelease-CandidatesforRedistrictingCommission.pdf?ver=2020-09-29-122739-677)  
6 [CandidatesforRedistrictingCommission.pdf?ver=2020-09-29-122739-677](https://www.azcourts.gov/Portals/75/IRC/Documents/NewsRelease-CandidatesforRedistrictingCommission.pdf?ver=2020-09-29-122739-677), last accessed  
7 on 10/22/2020.  
8

### 9           **The Nomination Process**

10           12. The CACA nominates qualified individuals to a pool of qualified candidates  
11 which is presented to legislative leadership who in turn exercise a privilege to appoint  
12 candidates to the AIRC from the pool of qualified candidate.  
13

14           13. “The pool of candidates shall consist of twenty-five nominees, with ten  
15 nominees from each of the two largest political parties in Arizona based on party  
16 registration, and five who are not registered with either of the two largest political parties  
17 in Arizona.” *See* Ariz. Const. art. IV, Pt. 2 § 1.  
18

19           14. The amended complaint concerns the nomination of two individuals who are  
20 not registered with either of the two largest political parties, in other words, the  
21 Independent-registered applicants.  
22

### 23           **The Application of Thomas Loquvam**

24           15. The constitution sets forth the criteria for qualifications of candidates to the  
25 AIRC. Ariz. Const. art IV, pt. 2, § 1, ¶ 3.  
26  
27  
28

1           16. A person is not qualified to serve on the AIRC if she or he served as a  
2 registered paid lobbyist within three years previous to the appointment. *Id.*

3           17. Mr. Thomas Loquvam (“Loquvam”) is among 38 applicants who applied to  
4 serve on the AIRC as an Independent. *See* application of Thomas Loquvam,  
5 <https://www.azcourts.gov/LinkClick.aspx?fileticket=My6qs9ypbto%3d&portalid=75>, last  
6 accessed on 10/22/2020.  
7

8           18. In his application, Loquvam indicated that he is not a paid lobbyist because  
9 he is not “compensated for the primary purpose of lobbying on behalf of a principal.”  
10

11           19. However, Loquvam is indeed registered as an active lobbyist with the  
12 Arizona Corporations Commission, Lobbyist 163; Registration Date October 25, 2019. *See*  
13 [https://efiling.azcc.gov/public-records/lobbyist/detail;id=4f00d132-19d0-42e8-b749-  
14 9d4bf2612d58;firstName=Thomas;lastName=Loquvam](https://efiling.azcc.gov/public-records/lobbyist/detail;id=4f00d132-19d0-42e8-b749-9d4bf2612d58;firstName=Thomas;lastName=Loquvam), last accessed on 10/22/2020.  
15

16           20. On information and belief, the Commission disqualified other candidates  
17 because they are a paid registered lobbyist in violation of the candidate qualifications. Ariz.  
18 Const. art IV, pt. 2, § 1.  
19

20           21. Defendants nonetheless nominated him as a qualified candidate and  
21 advanced his nomination to legislative leadership for potential selection to the AIRC.  
22

### 23           **The Application of Robert Wilson**

24           22. Again, the pool of candidates must consist of 10 nominees from each of the  
25 two largest political parties in Arizona, in other words, 10 democratic nominees and 10  
26 republican nominees. *See* Ariz. Const. art. IV, Pt. 2 § 1.  
27  
28

1           23. Mr. Robert Wilson (“Wilson”) is also among the 38 applicants who applied  
2 to serve on the AIRC as an Independent. *See* application of Robert Wilson,  
3 <https://www.azcourts.gov/LinkClick.aspx?fileticket=wwjfllyrSLI%3d&portalid=75>, last  
4 accessed on 10/22/2020.  
5

6           24. In his application Wilson claims to be registered as an Independent voter.  
7

8           25. Although, Wilson is and has been registered as an Independent since 2005,  
9 his voting history and political activities clearly show he is not an unbiased independent  
10 voter with no party affiliation.

11           26. On information and belief, Wilson has voted Republican in 2010, 2014, and  
12 again in 2018.  
13

14           27. On information and belief, Wilson donated to the Republican Party for  
15 Senator John McCain on June 1, 2010 in the amount of \$500.  
16

17           28. Wilson is a member and owner of Timberline Firearms, LLC. *See*  
18 <https://ecorp.azcc.gov/BusinessSearch/BusinessInfo?entityNumber=L20658420>, last  
19 accessed on 10/22/2020.  
20

21           29. On information and belief, Mr. Wilson hosted a Meet and Greet event with  
22 Republican candidates Walt Blackman, who was elected to the Arizona House of  
23 Representatives and Jon Saline, the GOP candidate for the legislature in October, 2019.

24           30. On information and belief, Mr. Wilson has appeared as a guest several times on  
25 the Jeff Oravits show promoting conservative candidates and promoting the Trump  
26 administration on August 20, 2020, September 1, 2020 and again on September 24, 2020. *See*  
27 <https://jefforavits.wordpress.com/>.  
28







1 **Mandamus Pursuant to A.R.S. § 12-2021**

2 54. Plaintiffs incorporate the allegations set forth in the foregoing paragraphs of  
3 this amended complaint as if fully set forth herein.  
4

5 55. The CACA has a duty to establish a pool of nominees who are qualified for  
6 appointment to the AIRC based on the criteria set forth above. Ariz. const., art. IV, pt. 2,  
7 § 1, ¶ 5.  
8

9 56. The CACA failed to execute its duty of establishing a pool of qualified  
10 persons.  
11

12 57. As a result, Plaintiffs have been deprived of their right to select persons to  
13 serve on the AIRC based on a qualified list of nominees.  
14

15 58. Because redistricting is a process that takes place just once every ten years  
16 and is mandated by the Arizona Constitution, this case presents a question of obvious  
17 statewide importance. *Brewer v. Burns*, 222 Ariz. 234, 237 (2009).  
18

19 59. Plaintiffs have no plain, adequate, and speedy remedy at law to compel  
20 Defendants to comply with the constitutional requirements.  
21

22 60. Plaintiffs are entitled to and request this Court to issue a Writ of Mandamus  
23 to require Defendants to reconvene and transmit a candidate pool of qualified candidates.  
24

25 **FIFTH CLAIM FOR RELIEF**

26 **Injunction Pursuant to A.R.S. § 12-1801**

27 61. Plaintiffs incorporate the allegations set forth in the foregoing paragraphs of  
28 this amended complaint as if fully set forth herein.

1           62. Plaintiffs are entitled to a qualified list of nominees to appoint to the  
2 AAIRC.

3           63. Plaintiffs have no plain, adequate and speedy remedy at law to compel  
4 Defendants to comply with their constitutional duties.  
5

6           64. Plaintiffs are entitled to and request this Court to enjoin Defendants from  
7 nominating the two unqualified persons, Loquvam and Wilson, to the AIRC.  
8

9           WHEREFORE, Plaintiffs pray for:

10           A. A declaration that Defendants have violated the Arizona Constitution  
11 by their nomination of Loquvam and Wilson as qualified candidates to serve on the  
12 AIRC.  
13

14           B. A Writ of Mandamus ordering Defendant to withdraw the  
15 nominations of Loquvam and Wilson and submit nominations who are qualified to  
16 serve on the AIRC pursuant to constitutional criteria and submit a pool of 25  
17 qualified applicants as required by the Arizona Constitution, at Article IV, pt. 2, §  
18 1, ¶ 5.  
19

20           C. A Declaration that the pool of applicants transmitted to the Legislature  
21 by the Defendant was unconstitutionally constituted and the nominations made from  
22 that pool are invalid as a result thereof. .  
23

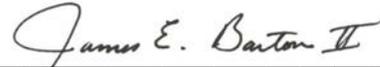
24           D. An order awarding Plaintiffs' attorneys' fees incurred in this action  
25 under A.R.S. § 12-2030 and the Private Attorney General Doctrine as established in  
26 *Arnold v. Arizona Dep't of Health Servs.*, 160 Ariz. 593, 775 P. 2d 521 (1989).  
27  
28

1 E. An order awarding Plaintiffs' costs.

2 F. An order awarding any such other and further relief as the Court  
3 deems just and proper.  
4

5 DONE this 20th day of November, 2020.

6 TORRES LAW GROUP, PLLC

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8 \_\_\_\_\_  
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10 Jacqueline Mendez Soto  
11 *Attorneys for Plaintiffs*

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19 ORIGINAL E-filed with the Clerk of the Court  
20 this 20th day of November, 2020.

21 COPY e-mailed on the same day to:

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23 Maricopa County Superior Court-Southeast Facility  
24 222 East Javelina Avenue  
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