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12 *Attorneys for Plaintiffs Puente, Mijente Support*
13 *Committee, Jamil Naser, Jamaar Williams, and*
14 *Jacinta Gonzalez*

15 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

16 IN AND FOR THE COUNTY OF MARICOPA

17 PUENTE, an Arizona nonprofit
18 corporation; MIJENTE SUPPORT
19 COMMITTEE, an Arizona nonprofit
20 corporation; JAMIL NASER; a
21 resident of the State of Arizona;
22 JAMAAR WILLIAMS, a resident of
the State of Arizona; and JACINTA
GONZALEZ, a resident of the State
of Arizona,

Plaintiffs,

v.

ARIZONA STATE LEGISLATURE, a
political subdivision of the State of
Arizona,

Defendant.

Case No. CV2019-014945

**MOTION FOR LEAVE TO EFFECT
ALTERNATIVE SERVICE**

(Assigned to the Honorable Connie Contes)

23 Pursuant to Rule 4.1(k), Ariz. R. Civ. P., Plaintiffs Puente, Mijente Support
24 Committee, Jamil Naser, Jamaar Williams, and Jacinta Gonzalez (collectively, "Plaintiffs"),
25 through undersigned counsel, respectfully request that the Court grant them leave to effect
26 service of process on Defendant Arizona State Legislature by alternative means

1 (“Defendant”). As set forth below, the good cause request is that Defendant has frustrated
2 Plaintiffs’ efforts to serve it personally, and the established means for service established
3 by Rules 4.1(c) through (j) are impracticable.

4 1. On December 4, 2019, Plaintiffs filed a Complaint against Defendant in
5 Maricopa County Superior Court. The matter was assigned the case number CV2019-
6 014945.

7 2. On January 23, 2020, Nihad Hidic, a process server hired by Plaintiffs,
8 attempted to personally serve the Office of the Arizona Attorney General with the
9 Complaint and Summons to effect service of process under Rule 4, Ariz. R. Civ. P. The
10 Office of the Attorney General refused to accept service of the Complaint. *See* 1/23/2019
11 Non-Service Declaration (attached hereto as “Exhibit 1”).

12 3. After Mr. Hidic informed us of this refusal, the office of undersigned counsel
13 researched the proper agent for service of process. Plaintiffs’ counsel identified at least
14 thirteen (13) federal cases in which the Arizona State Legislature was named as a defendant,
15 and identified that service had previously been effected on the President of the Senate.

16 4. On January 28, 2020, Gary Viscum, a process server hired by Plaintiffs,
17 attempted to serve the President of the Senate and Speaker of the House. Both offices
18 refused to accept service of process, and directed Mr. Viscum to Krystal Fernandez,
19 Attorney for the Rules Office. Ms. Fernandez advised Mr. Viscum that “there is no such
20 entity as the Arizona State Legislature.”

21 5. Contrary to Ms. Fernandez’s contentions, the entity known as the “Arizona
22 State Legislature” has both sued and been sued: In addition to the aforementioned thirteen
23 (13) federal lawsuits in which the Arizona State Legislature was a defendant, the Arizona
24 State Legislature appeared as an Intervenor-Defendant in the matter of United States of
25 America v. The State of Arizona, United States District Court Case No. 2:10-cv-01413-
26 SRB. The Arizona State Legislature also served as a Plaintiff in the matter of Arizona State

1 Legislature v. Arizona Independent Redistricting Commission, United States District Court
2 Case No. 2:12-cv-0211-PGR-MMS-GMS. In the Complaint filed in that matter, the
3 Arizona State Legislature described itself as “the elected-representative portion of the
4 legislative authority the State of Arizona.”

5 6. The Arizona State Legislature has made traditional efforts to serve it with
6 process under Ariz. R. Civ. P. 4.1 impracticable by refusing to allow its employees, or the
7 Office of the Attorney General, to accept service of process.

8 7. If the Arizona State Legislature wishes to argue that it may lawfully file some
9 lawsuits and defend others, but still be a “non-jural entity” for the purposes of other
10 lawsuits, it may presumably do so in litigation. But it should not be permitted to avoid
11 appearing in a lawsuit by falsely claiming that “there is no such entity as the Arizona State
12 Legislature” in order to frustrate service of process.

13 In light of the foregoing, pursuant to Ariz. R. Civ. P. 4.1(k), Plaintiffs respectfully
14 request that the Court grant them leave to serve the Arizona State Legislature by mailing
15 copies of the Complaint and Summons to the Office of the Attorney General, the President
16 of the Senate, and the Speaker of the House.

17 DATED this 30th day of January, 2020.

18 THE PEOPLE’S LAW FIRM, PLC
19 645 North 4th Avenue, Suite A
Phoenix, Arizona 85003

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21 By: /s/ Stephen D. Benedetto
Stephen D. Benedetto

22 *Attorneys for Plaintiffs*
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1 ORIGINAL of the foregoing filed
2 electronically utilizing AZ Turbo Court
3 this 30th day of January, 2020, which caused
4 a copy to be electronically transmitted to:

5 The Honorable Connie Contes
6 Maricopa County Superior Court – ECB 913
7 101 West Jefferson
8 Phoenix, Arizona 85003

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By: /s/ Stephen D. Benedetto
An employee of The People's Law Firm, PLC