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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

AMERICAN FRIENDS SERVICE  
COMMITTEE, JOYCE CLAYTON, ORALEE  
CLAYTON SR.,

Plaintiffs

vs.

JANICE K. BREWER, GOVERNOR OF THE  
STATE OF ARIZONA; CHARLES RYAN,  
DIRECTOR OF THE DEPARTMENT OF  
CORRECTIONS,

Defendants.

Case No.: CV2011-017119

**REQUEST FOR EXPEDITED RULING  
ON INJUNCTION PENDING APPEAL**

Hon. Arthur T. Anderson

Plaintiffs, by and through undersigned counsel, request an expedited ruling on Plaintiffs' Motion for Injunction Pending Appeal, submitted concurrently with this Request for the following reasons: Defendants have publicly stated that they intend to inform successful bidders of their decision with regard to awarding of contracts for new private prisons on Tuesday, November 22, 2011. ("Prison?," *Coolidge Examiner*, 10/12/11). For the reasons stated below, Plaintiffs request a ruling on the Motion for Injunction Pending Appeal by Monday, November 21, 2011 to prevent irreparable harm.

As explained more fully in Plaintiffs' Motion for Injunction Pending Appeal, irreparable harm will result if Defendants award and sign contracts pursuant to A.R.S. § 41-1609 before such time as a study pursuant to A.R.S. § 41-1609.01 is completed and shows that private contracts can provide equivalent services and cost savings to Arizona taxpayers. Such contracts will arguably be voidable if a study completed after contracts are signed shows that contractors

1 are **not** in compliance with the requirement that, "All contracts involving the detention or  
2 incarceration of adult offenders shall conform to the requirements of section 41-1609.01." A.R.S.  
3 § 41-1609(C). If the Defendants enter into a voidable contract, the contractors may have a cause  
4 of action against the Defendants for breach of contract. Plaintiffs here seek to prevent this from  
5 occurring to save the taxpayers of Arizona from 1) spending money on private contractors who  
6 will not save the state money, and 2) spending money to defend a breach of contract action  
7 should Defendants seek to withdraw from contracts that do not meet the requirements of Arizona  
8 law.

9  
10 For the foregoing reasons, Plaintiffs request an expedited ruling on the Motion for an  
11 Injunction Pending Appeal.

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13 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of November 2011.

14 /s/

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16 VINCE RABAGO  
Attorney for Plaintiffs

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