



Supreme Court

STATE OF ARIZONA

ROBERT BRUTINEL
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
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TRACIE K. LINDEMAN
Clerk of the Court

August 23, 2023

RE: CAO et al. v PFP DORSEY et al.

Arizona Supreme Court No. CV-22-0228-PR
Court of Appeals, Division One No. 1 CA-CV 21-0275
Maricopa County Superior Court No. CV2019-055353

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on August 22, 2023, in regard to the above-referenced cause:

ORDERED: Emergency Motion for Procedural Order Clarifying Doc. 4 = GRANTED.

FURTHER ORDERED: GRANTING IN PART the petition and cross-petitions as to these rephrased questions:

1. Either on its face or as applied in this case, does A.R.S. § 33-1228 authorize the taking of private property for private use in violation of Article 2, § 17 of the Arizona Constitution?
2. If any common elements or units in a condominium are to be sold pursuant to a condominium termination agreement, does A.R.S. § 33-1228 require all the common elements and units to be part of that sale?
3. If a contract incorporates an unconstitutional statute by reference, are the terms of that statute enforceable as to the contracting parties?
4. If a condominium declaration incorporates a statute by reference, are subsequent statutory amendments incorporated into the agreement?

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 this Court's Minute Letter. Any amicus briefs are due on or before September 26, 2023 and any responses to amicus briefs are due on or before October 16, 2023. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request Attorneys' Fees (Appellants CAO et al.) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees PFP Dorsey Investments) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Dorsey Place Condominium Association) = CONTINUED.

Filing of a supplemental brief is permissive rather than mandatory. This order should not be construed as an invitation to repeat the contents of the Petition for Review, the Response, or any Reply. Lack of a supplemental brief shall not be considered an admission that the position of the opposing party or parties should prevail.

Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined.

The Clerk of the Court of Appeals, Division One, Phoenix, shall forward the remaining record to the Clerk of the Supreme Court.

Tracie K. Lindeman, Clerk

TO:

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