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*Attorneys for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR PIMA COUNTY**

**RAFAEL "RAY" A. IHLY, individually;  
CHERYL CASWELL, individually,  
ANASTASIOS TSATSAKIS, individually,  
SUZANNE JENKINS, individually,  
EILEEN WILSON, individually, LEIANN  
ANDERSON, individually, ROBERT  
MONTGOMERY, individually,  
ELIZABETH SPECK, individually,  
RONALD HART, individually, PAULINE  
HART, individually, and BOBBY  
WILSON, individually,**

**Plaintiffs,**

**vs.**

**SHELLEY KAIS, as putative Chairwoman  
of the Pima County Republican Committee,**

**Defendant.**

**Case No. C20221370**

**REPLY IN SUPPORT OF  
MOTION TO CLARIFY/AMEND**

**(Assigned to the  
Honorable Greg Sakall)**

Defendant Shelley Kais ("Defendant Kais") hereby files this Reply in support of her Motion to Clarify or Amend.<sup>1</sup> In short, Plaintiffs appear to concede that the Court should clarify

<sup>1</sup> Defendant notes that she originally filed a combined "Motion to Strike" and "Motion to Clarify/Amend." The Rules do not provide for a Reply on a Motion to Strike but they do allow for a Reply on a Motion to Clarify or Amend.

1 that the dismissal previously entered in this matter was not stipulated to by Defendant Kais; that  
2 the Court did not decide the ultimate merits of this matter, or otherwise “approve” the settlement  
3 agreement (in fact, the settlement agreement was with a non-party and should be stricken); and  
4 since the Plaintiffs are voicing no opposition to an award of taxable costs under A.R.S. § 12-  
5 341, then the Court should allow for an award upon the submission of a Statement of Costs by  
6 Defendant Kais (absent a valid subsequent objection thereto).

7 As Plaintiffs concede, the Pima County Republican Committee is a “private  
8 organization,” as opposed to a public one; therefore its Chair is not a “public officer,” and the  
9 rule on automatic substitution of public officers (Rule 25(d)) does not apply. Moreover, the  
10 Plaintiffs did not change the caption on their “Stipulation for Dismissal” to indicate the  
substitution of another defendant, but the filing indicated that “[t]he parties hereby give notice  
of settlement,” which gave the misleading impression that Defendant Kais had agreed to it. On  
the other hand, Defendant Kais does not object to dismissal, so long as it is clarified that the  
dismissal is not the result of a settlement between the parties, but rather the result of Plaintiffs  
15 voluntarily requesting a dismissal; and again, she requests leave to submit her Statement of  
16 Costs under A.R.S. § 12-341.

17 Finally, while undersigned counsel was aware (as was Defendant Kais) of the fact that  
18 another person (Dave Smith) replaced her as Chair of the Pima County GOP, that is no excuse  
19 for Plaintiffs’ failure to serve a copy of court filings on her, including the Motion to Dismiss;  
20 and of course, Defendant Kais was not a party to the settlement in between Plaintiffs and non-  
21 party Smith so she was unaware of its terms or that it was being unnecessarily filed in Court.

22 For the foregoing reasons, Defendant Kais asks the Court to clarify that this matter is  
23 dismissed based on the Plaintiffs’ voluntary request; that there was no settlement with  
24 Defendant Kais (and to strike the Settlement Agreement that was submitted); that the Court did  
25 not reach the merits of this matter; and that the Court grant leave for her to submit her Statement  
26 of Costs.

1 **RESPECTFULLY SUBMITTED** on 7/24/2023.

2 **WILENCHIK & BARTNESS, P.C.**

3 /s/ John D. Wilenchik

4 John "Jack" D. Wilenchik, Esq.

5 Jordan C. Wolff, Esq.

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10 *Attorneys for Defendant*

11 **ELECTRONICALLY** filed 7/24/2023,  
via AZTurboCourt.com

12 **COPY** electronically transmitted by the  
Clerk of the Court via AZTurboCourt.com  
to the Honorable Greg Sakall.

13 **COPY** electronically served via  
AZTurboCourt.com and email on 7/24/2023, to:

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19 By: /s/ Christine M. Ferreira

