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8 **SUPERIOR COURT OF ARIZONA**

9 **PIMA COUNTY**

10 RAFAEL "RAY" A. IHLY, individually;  
11 CHERYL CASWELL, individually,  
12 ANASTASIOS TSATSAKIS, individually,  
13 SUZANNE JENKINS, individually,  
14 EILEEN WILSON, individually, LEIANN  
15 ANDERSON, individually, ROBERT  
16 MONTGOMERY, individually,  
17 ELIZABETH SPECK, individually,  
18 RONALD HART, individually, PAULINE  
19 HART, individually, and BOBBY  
20 WILSON, individually,

21 Plaintiffs,

22 vs.

23 SHELLY KAIS, individually,

24 Defendant.

No.

**APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER**

25 **I. APPLICATION**

26 Pursuant to Rule 65 of the Arizona Rules of Civil Procedure, Plaintiffs  
27 respectfully move this Court for a temporary restraining order enjoining the Defendant,  
28 Shelly Kais, from taking any action to hold an unlawful purported organizational meeting  
of the Legislative District 19 Republican Party committee. The proper organizational  
meeting has already held, pursuant to A.R.S. § 16-823.

1 The following memorandum of points and authorities supports this Application  
2 and Motion.

3 **II. DEFENDANT IS UNLAWFULLY ATTEMPTING TO USURP THE**  
4 **POWERS OF THE LEGISLATIVE DISTRICT 19 REPUBLICAN PARTY**  
5 **COMMITTEE**

6 As stated in the Verified Complaint, Defendant Kais is attempting to usurp powers  
7 that are assigned to Plaintiff Rafael Ihly under Arizona statutory law as the chairman of  
8 the Legislative District 19 Republic Party committee. The Plaintiffs are entitled to relief.

9 **III. A TEMPORARY RESTRAINING ORDER WITH NOTICE IS**  
10 **WARRANTED**

11 “The purpose of a temporary restraining order is to preserve the status quo before  
12 a preliminary injunction hearing may be held ....” *Lokosky v. Gass in and for County of*  
13 *Maricopa*, 2018 WL 3150499, at \*2 (Ariz.App. 2018).  
14

15 In our case, a temporary restraining order is necessary to preserve the status quo.  
16 This is not a complicated legal issue and the law is clear, as outlined in the Verified  
17 Complaint. That is, under the statute the district chairman is responsible for calling the  
18 meeting to reorganize a legislative district committee after a redistricting by the Arizona  
19 Independent Redistricting Commission. A.R.S. § 16-823. There is no role under the  
20 statute for a county party chairman. And having two different people call meetings is  
21 exactly why the statute only specifies one person, the district chairman, to call the  
22 meeting. If two people call two separate meetings then it is unclear which is the lawful  
23 meeting that “counts” in terms of transaction business.  
24  
25  
26  
27  
28

1 If Defendant Kais is permitted to proceed with her scheduled April 18, 2022  
2 unlawful meeting, it will sow confusion. There will be two separate slates of officers  
3 elected and then a decision will have to be made as to which one to recognize. And it is  
4 unclear who would make such a decision, although it would likely be the Court.

5  
6 This problem can be avoided with a minimally burdensome temporary restraining  
7 order that simply puts Defendant Kais' plans to hold a meeting on hold until this matter  
8 can be adjudicated pursuant to Plaintiff's request for a preliminary injunction. The ruling  
9 on that will likely end this matter. This is matter involves strictly a question of law, and  
10 there is no reason the preliminary injunction hearing cannot be combined with trial on the  
11 merits.  
12

13  
14 **V. CONCLUSION**

15 For the foregoing reasons, Plaintiff asks that this Court enter the proposed  
16 temporary restraining order.  
17

18 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of April, 2022.  
19

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