

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2026-000232

01/16/2026

HONORABLE MICHAEL VALENZUELA

CLERK OF THE COURT
S. Ortega
Deputy

EIL DALTON-WEBB

EIL DALTON-WEBB
5009 E IRONWOOD CIR
SIERRA VISTA AZ 85650

v.

ADRIAN FONTES, et al.

KAREN HARTMAN-TELLEZ

KARA MARIE KARLSON
KYLE ROBERT CUMMINGS
DYLAN HENDEL
DOCKET CV TX
JUDGE VALENZUELA

STATUS CONFERENCE SET

Courtroom 812-VC-CV – East Court Building

1:02 p.m. This is the time set for virtual Return Hearing regarding Plaintiff's Complaint and request for expedited injunctive relief. Plaintiff, Eil Dalton-Webb, is present on his own behalf. Defendant, Adrian Fontes, in his official capacity as the Arizona Secretary of State, is represented by counsel, Karen Hartman-Tellez. Defendants, Melissa Avant, in her official capacity as Officer in Charge of Elections in Cochise County, and Billy Cloud, in his official capacity as Cochise County Recorder, are represented by counsel, Dylan Hendel.

A record of the proceedings is made digitally in lieu of a court reporter.

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Discussion is held regarding status of the case.

Based on the matters presented and for the reasons stated on the record,

The Court understands that Plaintiff is able to collect signatures under the partisan ballot through the electronic portal. Therefore, the Court will not issue any emergency orders or dismiss the case at this time.

The Court will allow counsel for Defendants to file motions to dismiss after conferring with Plaintiff. Therefore,

IT IS ORDERED that Defense counsel may file their motions to dismiss no later than **February 6, 2026**.

LET THE RECORD REFLECT that there is no dispute that Plaintiff is a libertarian and that the libertarian party is being recognized in this case. Plaintiff has the ability to collect ballot signatures through the electronic process provided by the Secretary of State to run as a libertarian candidate and that collecting those signatures on the partisan portal is acceptable.

Plaintiff moves the Court to set a trial on declaratory relief.

LET THE RECORD FURTHER REFLECT that the Court will not be setting a trial at this time.

THE COURT FINDS that there is not irreparable injury to Plaintiff at this time.

IT IS FURTHER ORDERED setting a *virtual Status Conference* on **March 12, 2026 at 1:30 p.m. (time allotted: 30 minutes)** before the Honorable Michael F. Valenzuela. The hearing shall be held virtually through Court Connect/Microsoft Teams. All parties and their counsel will be provided with the Microsoft Teams link invitation in advance of the hearing.

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Important Notice

All parties shall participate in the virtual conference by accessing the Microsoft Teams application via computer, tablet, or mobile device. An invite to the hearing will be sent out to the email on file for each party or counsel of record. It is the party's responsibility to ensure receipt of the invitation prior to the hearing date. The information is included below as well:

Judge Valenzuela's Virtual Courtroom

<https://www.tinyurl.com/jbazmc-cvj21>

If unable to access the Teams link due to technical difficulties, the parties may access the conference by calling (917) 781-4590 Access Code 105 414 319# at the scheduled time.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for up to three hours and \$280 for any hearing in excess of three hours. This fee does not include preparation of transcripts.

The parties are notified that, under A.R.S. § 16-351(A), any notice of appeal must be filed within five calendar days after the superior court's decision in a challenge to the nomination of a candidate. See *Bohart v. Hanna*, 213 Ariz. 480, 143 P.3d 1021 (2006). An appeal that is belatedly prosecuted, such as one filed on the last day of the statutory deadline, may be dismissed on grounds of laches even if timely filed. See *McClung v. Bennett*, 225 Ariz. 154, 235 P.3d 1037 (2010). Special procedural rules govern expedited appeals in election cases. Ariz. R. Civ. App. P. 10.

1:37 p.m. Hearing concludes.



HONORABLE MICHAEL F. VALENZUELA
JUDICIAL OFFICER OF THE SUPERIOR COURT

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LATER:

An injunction is an equitable remedy that allows the Court to structure a remedy that will promote equity between the parties. *Ahwatukee Custom Estates Mgmt. Ass'n, Inc. v. Turner*, 196 Ariz. 631, 635 (App. 2000) (citation omitted). “Equitable considerations include the relative hardships and injustice; the public interest; misconduct of the parties, if any; delay on the part of the plaintiff; and the adequacy of other remedies.” *Id.*

A party seeking a preliminary injunction must establish (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury if the requested relief is not granted, (3) a balance of hardships favoring that party, and (4) public policy favoring a grant of the injunction. *Shoen v. Shoen*, 167 Ariz. 58, 63 (App. 1990). “The scale is not absolute, but sliding.” *Smith v. Ariz. Citizens Clean Elections Comm’n*, 212 Ariz. 407, 410 (2006). The moving party may establish either (a) probable success on the merits and the possibility of irreparable harm, or (b) the presence of serious questions and that the balance of hardships tips sharply in the party’s favor. *Id.* at 411; *see also Ariz. Ass’n of Providers for Persons with Disabilities v. State*, 223 Ariz. 6, 12 (App. 2009).

These principles generally do not allow the court to grant a preliminary injunction without some showing of a possibility of irreparable injury. Irreparable injury means “harm not remediable by damages if the requested relief is not granted.” *Shoen v. Shoen*, 167 Ariz. 58, 63 (App. 1990). “However, even if some damages may be proved and recovered, injunctive relief may be appropriate if those damages are inadequate to address the full harm suffered.” *IB Prop. Holdings, LLC v. Rancho Del Mar Apartments Ltd. P’ship*, 228 Ariz. 61, 73 (App. 2011).

Here, Plaintiff seeks preliminary injunctive relief as to the following: (1) “that Melissa Avant shall publish Mr. Dalton-Webb’s statement of interest information,” (2) that the Arizona Secretary of State add Plaintiff “to the electronic petition circulation system for his candidacy for Clerk of the Superior Court in Cochise County,” and (3) that Billy Cloud respond to Plaintiff’s request for public records related to how Cochise County determines which political parties are recognized within the county. *See Initial Complaint*, at ¶¶ 52, 53, 54. He also seeks various forms of expedited declaratory relief. He contends that a preliminary injunction or expedited relief is necessary given that he must turn in signatures for his candidacy by April 6, 2026, and each day he is unable to collect signatures constitutes irreparable harm to Plaintiff. *See Motion for Expedited Declaratory Judgment; Motion for Expedited Injunction.*

There is no dispute between the parties, however, that Cochise County accepted Plaintiff’s statement of interest, that he is being permitted to collect signatures as a Libertarian Party candidate, and that the Arizona Secretary of State has provided him access to the electronic petition circulation system. Consequently, Plaintiff can collect signatures for his candidacy. He has largely

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already obtained the relief sought. While Plaintiff remains concerned that someone may challenge the Cochise County's recognition of him as a candidate for the Libertarian Party, his concerns are speculative. The court thus finds that issuance of injunctions or (or alternatively expedited declaratory judgments) is not necessary to prevent the possibility of irreparable injury to Plaintiff. The balance of hardships also does not favor Plaintiff as he can currently obtain signatures for his candidacy. Finally, the Court finds that public policy does not favor the court issuing expedited injunctions or declaratory judgment when Plaintiff is not suffering from the irreparable harm he has pleaded.

IT IS THEREFORE ORDERED denying Plaintiff's Motion for Expedited Declaratory Judgment; Motion for Expedited Injunction.