

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-013509

05/08/2020

HONORABLE CONNIE CONTES

CLERK OF THE COURT  
E. Tran/C. Mai  
Deputy

GREG MILLS, et al.

PAUL VINCENT AVELAR

v.

ARIZONA BOARD OF TECHNICAL  
REGISTRATION, et al.

JOHN C GRAY

JUDGE CONTES

**ORAL ARGUMENT**

East Court Building – Courtroom 913

1:31 p.m. This is the time set for a telephonic Oral Argument regarding defendants' Motion to Dismiss Complaint, filed March 3, 2020. Plaintiffs are represented by counsel Paul Vincent Avelar and *pro hac vice* Adam Griffin. Plaintiff Greg Mills is present. Defendants are represented by counsel Gregory Y. Harris for counsel of record John C. Gray. Defendant Melissa Cornelius is present as the executive director for the Arizona Board of Technical Registration.

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

Both counsel deny any preliminary matters.

The court has received and reviewed the following:

1. Defendants' Motion to Dismiss Complaint pursuant to Arizona Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and pursuant to rule 12(b)(6) for failure to state a claim, filed March 3, 2020;
2. Plaintiffs' Response to Defendants' Motion to Dismiss thereto, filed March 17, 2020; and

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2019-013509

05/08/2020

3. Defendants' Reply in Support of Defendants' Motion to Dismiss Complaint, filed April 13, 2020.

Argument is presented.

For the reasons stated on the record,

IT IS ORDERED taking this matter under advisement the ruling on defendants' Motion to Dismiss Complaint.

**NOTICE:** Effective **May 22, 2020**, due to judicial rotations, all cases assigned to the Honorable Connie Contes will be reassigned to the Honorable Joseph Mikitish. Judge Mikitish, telephone number 602-372-1547, will be located in the East Court Building, 101 West Jefferson, Suite 913, Phoenix, Arizona 85003.

2:32 p.m. Matter concludes.

LATER:

The court has considered the briefing on defendants' Motion to Dismiss Complaint, the arguments of counsel during oral argument, and pertinent applicable law. For the reasons set forth in defendants' motion and reply, the court is persuaded that plaintiffs' Complaint should be dismissed in its entirety for lack of subject matter jurisdiction and for failure to state a claim due to lack of standing and/or ripeness. The court finds unconvincing defendants' argument that plaintiffs should have complied with the notice of claim statute before filing the Complaint seeking declaratory and injunctive relief.

IT IS THEREFORE ORDERED granting defendants' Motion to Dismiss Complaint, filed March 3, 2020.