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**COPY**

JUN 20 2024



CLERK OF THE SUPERIOR COURT  
K. CABRAL  
DEPUTY CLERK

7 *Attorney for Plaintiff*  
8 *Additional Counsel on Signature Page*

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
10 IN AND FOR THE COUNTY OF MARICOPA

11 THE STATE OF ARIZONA, *ex rel.*  
12 KRISTIN K. MAYES, Attorney General  
13 of the State of Arizona

14 Plaintiff,

15 vs.

16 THE ARIZONA DEPARTMENT OF  
17 ADMINISTRATION, a public entity, and  
18 ELIZABETH ALVARADO-THORSON,  
19 in her official capacity as its Cabinet  
20 Executive Officer & Executive Deputy  
21 Director,

22 Defendants.

No. CV2024-016033

**[PROPOSED] ORDER RE:  
EMERGENCY INJUNCTION  
AND OTHER RELIEF**

23 Plaintiff Kristin K. Mayes, in her capacity as the Attorney General, filed a  
24 Complaint and Emergency Motion for Temporary Restraining Order and Other Relief  
25 pursuant to A.R.S. § 35-212 and Arizona Rule of Civil Procedure 65. This Court has  
considered the Complaint, Motion and Memorandum of Points and Authorities, and the  
accompanying declaration and exhibits, and finds that:

1. This Court has jurisdiction over the subject matter of this case and there is good cause to believe it has jurisdiction over the defendants.
2. Venue properly lies with this Court.

1           3.     There is good cause to believe that absent this Order Defendants are likely  
2 to transfer the sum of \$115,000,000 from the consumer remediation subaccount of the  
3 consumer restitution and remediation revolving fund to the State Department of  
4 Corrections.

5           4.     There is good cause to believe that the Department of Corrections has not  
6 used and has no current plans to use \$115,000,000 for Approved Uses, as that term is  
7 defined in the State's settlement agreements with certain manufacturers, distributors, and  
8 pharmacies in the opioid supply chain; the consent judgments entered in those actions;  
9 and the One Arizona Agreement.

10          5.     Plaintiff is likely to succeed on the merits of her claims because the  
11 diversion of the \$115,000,00 from their Approved Uses in contravention to this Court  
12 orders and the State's contractual obligations, which are inviolate under the United States  
13 and Arizona Constitutions, would be illegal.

14          6.     If the funds are illegally diverted from their Approved Uses, Arizona and  
15 its citizens are likely to suffer irreparable harm both because the funds will not be used to  
16 abate the opioid epidemic and because the diversion risks the funds being clawed back  
17 and future funds intended to abate the epidemic being reduced.

18          7.     The diversion of these funds from their intended use and the jeopardy such  
19 diversion poses to the receipt of future funds tips the balance of equities sharply in  
20 Plaintiff's favor.

21          8.     Public policy factors also favor the issuance of an <sup>preliminary</sup> injunction to ensure these  
22 and any future funds are expended to abate the opioid epidemic.

23           **IS THEREFORE ORDERED** that Defendants, and any and all other persons in  
24 concert or participation with it, are prohibited, restrained, and enjoined from transferring  
25

1 the sum of \$115,000,000 from the consumer remediation subaccount of the consumer  
2 restitution and remediation revolving fund to the State Department of Corrections.

3 **IT IS FURTHER ORDERED** that a hearing is scheduled for 27 day of  
4 June 10:am 2024, to discuss a plan for efficiently conducting discovery into the  
5 issues bearing on Plaintiff's forthcoming application for preliminary injunction and a  
6 schedule for briefing.

7 **IT IS HEREBY ORDERED.**

8 DATED this 20th day of June, 2024

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12 JUDGE OF THE SUPERIOR COURT



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