

ARIZONA COURT OF APPEALS
DIVISION ONE

JIE CAO, et al.,

Plaintiffs/Appellants,

v.

PFP DORSEY INVESTMENTS, LLC, et al.,

Defendants/Appellees.

Court of Appeals
Division One
No. 1 CA-CV 21-0275

Maricopa County
Superior Court
No. CV2019-055353

**MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE OF
PACIFIC LEGAL FOUNDATION IN SUPPORT OF
PLAINTIFFS/APPELLANTS**

Pursuant to Arizona Revised Statutes Rules of Civil Appellate Procedure Rule 16(b)(2), Pacific Legal Foundation (PLF) respectfully moves for leave to file the proposed Brief Amicus Curiae of Pacific Legal Foundation in Support of Plaintiffs/Appellants.

IDENTITY AND INTEREST OF AMICUS CURIAE

PLF is a nonprofit, tax-exempt corporation organized for the purpose of litigating matters affecting the public interest in private property rights, individual liberty, and economic freedom. Founded over 45 years ago, PLF is the most experienced legal organization of its kind. PLF attorneys have participated as lead

counsel in many landmark United States Supreme Court cases in defense of the right to make reasonable use of one's property, and the corollary right to obtain just compensation when that right is infringed. *See, e.g., Knick v. Twp. of Scott*, 139 S. Ct. 2162 (2019); *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063 (2021); *Pakdel v. City and Cty. of San Francisco.*, 141 S. Ct. 2226 (2021); *Murr v. Wisconsin*, 137 S. Ct. 1933 (2017); *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595 (2013); *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001); *Suitum v. Tahoe Reg'l Plan. Agency*, 520 U.S. 725 (1997); *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987). PLF also routinely participates in important property rights cases as amicus curiae. *See e.g., Horne v. Dep't of Agriculture*, 135 S. Ct. 2419 (2015); *Arkansas Game & Fish Comm'n v. United States*, 568 U.S. 23 (2012).

PLF attorneys have extensive experience with the issues presented in this appeal, having litigated and participated as amicus in many housing and separation of power cases in federal and state courts nationwide. *See Yim v. City of Seattle*, 194 Wash. 2d 651 (Wash. 2019); *Zito v. N.C. Coastal Res. Comm'n*, No. 20-1408, 2021 WL 3483291 (4th Cir. Aug. 9, 2021); *Garrett v. City of New Orleans*, 893 F.3d 318 (5th Cir. 2018); *Consumer Financial Protection Bureau v. All American Check Cashing, Inc.*, 953 F.3d 381 (5th Cir. 2020); *Aguila v. Ducey*, No. CV-20-0335-T/AP, 2021 WL 1380612 (Ariz. Mar. 24, 2021).

PLF believes that its public interest perspective and national litigation experience in support of individual property rights will provide a necessary additional viewpoint on the issues presented in this case. *See DeVries v. State*, 219 Ariz. 314, 319 n.5 (Ariz. Ct. App. 2008) (“Amicus briefs should normally be allowed when . . . the amicus can provide information, perspective, or argument that can help the Court beyond the help that the lawyers for the parties have provided”) (citation omitted). The proposed amicus brief explains why owners of condominium units do not surrender their rights to keep their property, or to determine whether and to whom to sell it, and why the lower court’s application of Arizona’s condominium termination statute improperly allows private companies, like Dorsey Investments, to take individuals’ properties in violation of the United States and Arizona Constitutions. The proposed amicus brief also explains why the forced sale of individual condominium units in an insider transaction does not further a public use and does not guarantee just compensation as required by the U.S. and Arizona Constitutions.

WHEREFORE, PLF respectfully requests leave to participate in this proceeding as Amicus Curiae and for the Court to grant leave to file the accompanying amicus curiae brief in support of the Plaintiffs-Appellants.

RESPECTFULLY SUBMITTED this 29th day of November, 2021.

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