

**ARIZONA COURT OF APPEALS
DIVISION ONE**

ARIZONA REPUBLICAN PARTY,
et al.,

Plaintiffs/Appellants,

v.

KATIE HOBBS, in her official
capacity as Arizona Secretary of
State, et al.,

Defendants/Appellees.

ARIZONA DEMOCRATIC
PARTY, et al.,

Intervenors/Appellees.

No. 1 CA-CV-22-0388

Mohave County Superior Court
No. S8015CV202200594

**REPLY IN SUPPORT OF MOTION TO CONTINUE ORAL
ARGUMENT**

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** Application for Pro Hac Vice
Forthcoming*

Attorneys for Appellee Arizona Secretary of State Katie Hobbs

Appellee Katie Hobbs, in her official capacity as Arizona Secretary of State (“Secretary”), replies briefly in support of her Motion to Continue the oral argument from December 7, 2022 to a date no earlier than February 2023.

Despite Appellants’ bald claim to the contrary, good cause exists for this brief continuance. As the Motion predicted, an election contest has already been filed challenging the apparent outcome in the race for Attorney General, and the contestants have named the Secretary and all fifteen county recorders as defendants. *See Hamadeh v. Mayes, et al.*, No. CV2022-015455 (Maricopa Cnty. Sup. Ct). That litigation – and the near-certain appeal to follow – will almost certainly stretch out past December 7. In addition, a statewide recount is now certain in three races (Attorney General, Superintendent of Public Instruction, and one legislative seat), which will require the attention of all Arizona election officials (including the Secretary) from the certification of the statewide canvass until completion.

Appellants’ invocation of the Secretary’s timing arguments made to date is the only thing “disingenuous” about claims made to this Court about whether to continue the oral argument. As Appellants know well

(yet misrepresent), the Secretary's timing arguments related exclusively to two distinct arguments: (1) that Appellants should have filed suit years before they did, and (2) that neither the trial court nor this Court should upend election procedures just before the 2022 primary election and 2022 general election. Through these lenses, the Secretary's arguments about Appellants' inexplicable delay in bringing and prosecuting this litigation make perfect sense, and those arguments have nothing whatsoever to do with her request for a continuance here.

Lastly, Appellants seem concerned that this Court will not issue a prompt ruling, and that as a result, the party on the losing end may not have time to ask the Arizona Supreme Court to weigh in before the 2024 primary election. The Secretary does not share these concerns and presumes this Court will decide the appeal as quickly as it can, after giving it the consideration it deserves. But Appellants' concerns about delay occasioned by the oral argument date ring particularly hollow because this Court is only holding oral argument in this appeal because Appellants requested it. If oral argument will cause delay Appellants find untenable, the Secretary has no objection to this Court vacating oral argument and deciding this case on the briefs.

For these and the reasons detailed in the Motion, the Secretary requests that the Court grant her Motion and continue the oral argument in this matter.

RESPECTFULLY SUBMITTED this 25th day of November, 2022.

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By: /s/ D. Andrew Gaona
D. Andrew Gaona

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