

No. 22-16490

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ARIZONA ALLIANCE FOR RETIRED AMERICANS, et al.,
Plaintiff-Appellees,

v.

MARK BRNOVICH, in his official capacity as Arizona Attorney General,
Defendant-Appellant,

and

YUMA COUNTY REPUBLICAN COMMITTEE,
Intervenor-Defendant-Appellant,

and

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

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
Case No. 2:22-CV-01374-GMS

**STATE'S UNOPPOSED MOTION FOR EXTENSIONS OF TIME
UNDER CIRCUIT RULE 31-2.2(B)**

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Dated: October 17, 2022

MOTION FOR AN EXTENSION OF TIME

Pursuant to Circuit Rule 31-2.2(b), Defendant-Appellant Mark Brnovich, Attorney General of Arizona (“the State”) respectfully requests modifications of the briefing schedule in this appeal. Good cause supports this extension request, and all Appellants and the Plaintiff-Appellees have jointly agreed upon the proposed briefing schedule.

Given the numerous obligations of the State’s counsel, obligations several parties to this litigation have related to the 2022 General Election, as well as the upcoming holidays, the State, Intervenor-Defendant Appellant Yuma County Republican Committee, and Plaintiffs-Appellees have jointly agreed to the following briefing schedule, and hereby respectfully request this Court adopt it:

Brief	Proposed Due Date
Appellants’ Opening Briefs	November 18, 2022
Appellees’ Answering Brief	December 23, 2022
Appellants’ Reply Briefs	January 20, 2023

This case is an interlocutory appeal of a preliminary injunction of recently enacted election-related laws, which was granted by the district

court on September 26, 2022. D. Ct. Doc. 87. The State and Intervenor-Defendant Yuma County Republican Committee appealed on September 27, 2022. D. Ct. Doc. 90. Given numerous commitments of the parties subject to this litigation, including statutory duties related to the already underway 2022 General Elections, as well as upcoming state and national holidays, these parties have agreed to the proposed briefing schedule subject to this Court's approval.

Specifically, in addition to the State's counsel's responsibilities in civilly and criminally enforcing Arizona's election laws for the now underway 2022 General Election (*see* Ensign Decl. ¶5), the State's counsel have other substantial conflicting obligations in the coming weeks. Specifically, counsel have (1) a consolidated reply in support of a motion to dismiss and in response to six separate response briefs due in the District of Arizona on November 16, (2) an answering brief in this Court in a case involving a challenge to a major federal program of substantial importance due October 21, (3) a multi-state, merits-stage amicus brief due in the U.S. Supreme Court on October 25, (4) a reply brief in the Fifth Circuit in a case involving a challenge to a Department of Energy rule on October 27. *See* Ensign Decl. ¶4. During the current

window for the State's opening brief, counsel for the State also had oral arguments in the Tenth and D.C. Circuits in *Bradford v. U.S. Dept. of Labor*, (No. 22-1023), and *Arizona v. EPA* (No. 21-1159), respectively, on September 28 and October 4, 2022.

A short extension of time is warranted to permit the State to dedicate appropriate resources to its opening brief. Further, the additional modifications to the briefing schedule are warranted given the upcoming holidays.

The State has conferred with Intervenor Defendant-Appellant and Plaintiff-Appellees, and they have all agreed to the proposed briefing schedule that would apply to all appellants and appellees, subject to this Court's approval.

CONCLUSION

For the foregoing reasons, the extensions sought by the State should be granted with respect to all parties and the proposed briefing schedule agreed upon by the parties should be adopted by this Court.

Respectfully submitted this 17th day of October, 2022.

MARK BRNOVICH
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

s/ Drew C. Ensign

Drew C. Ensign

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