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10 SUPERIOR COURT OF ARIZONA

11 MOHAVE COUNTY

12 JEANNE KENTCH, et al.,

13 Plaintiffs/Contestants,

14 v.

15 KRIS MAYES,

16 Defendant/Contestee,

17 and

18 ADRIAN FONTES, et al.,

19 Defendants.

No. S8015CV202201468

**RESPONSE TO MOTION FOR LEAVE
TO FILE BRIEF AS AMICI CURIAE**

(Assigned to the Hon. Lee F. Jantzen)

1 Defendant Kris Mayes respectfully opposes the Motion of two members of the legislature
2 who seek to submit an amicus curiae brief supporting Plaintiffs’ request for a new trial and
3 opposing Defendants’ request for attorneys’ fees. The Court should deny amici’s Motion.

4 As amici acknowledge (Mot. at 1), no rule authorizes their filing of an amicus brief in
5 this Court. Generally, though, courts welcome one “when the amicus has unique information or
6 perspective.” *In re Halo Wireless, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012) (quoting *Ryan v.*
7 *CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997)). But this is not that. In claiming to “take no position”
8 on the ultimate merits (of a lawsuit that is nearly identical to one that amici’s counsel drafted
9 and filed in another case for Mr. Hamadeh (*see* Mot. at 2 n.1)), amici and their counsel refer to
10 Ms. Mayes’s arguments as “[f]rantic,” “oblivious,” “circular,” “logically discordant,” “unseemly
11 and inappropriate,” “contrive[d],” an “evidentiary paradigm,” an “opportunistic oscillation of
12 mutually inconsistent arguments,” “a noxious admixture of political vengeance,” and, ultimately,
13 “a barrage of indignant fulminations and obstructive machinations.” [Mot., Ex. A, at 2–6, 8]

14 Though unique in invective, the proposed amicus brief does not provide any “unique
15 information or perspective” on the merits. *In re Halo Wireless*, 684 F.3d at 596. The proposed
16 brief makes arguments that Plaintiffs already made in their Response to the Motion for
17 Attorneys’ Fees, including (Ex. A at 9) that this speculative exercise was just “a textbook
18 example of a proper election contest” (it wasn’t). It also makes arguments that Plaintiffs surely
19 will make in their (forthcoming) reply in support of their Motion for a New Trial, including (Ex.
20 A at 5–6) that the strict timelines in this election contest—and the requirement that the Court
21 enter judgment “immediately”—do not prohibit a new trial before this Court (they do).

22 In the end, two legislators’ political opinions on a new trial and a sanctions motion are
23 neither unique nor helpful. *See* Ariz. R. Civ. App. P. 16(b)(1)(C)(iii) (welcoming amici who
24 “provide information, perspective, or argument that can help the appellate court beyond the help

1 that the parties' lawyers provide"). And this Court should not allow amici to duplicate those
2 arguments to, essentially, give Plaintiffs additional pages of briefing. *See In re Halo Wireless*,
3 684 F.3d at 596 ("striking" a governmental entity's amicus brief because it "contain[ed] no
4 information or arguments that the [relevant party] did not already provide to the Court").

5 No reason exists for granting the motion to admit this amicus brief. Rather, all that
6 remains is to address the outstanding motions and to enter judgment "immediately," as A.R.S.
7 § 16-676(B) requires.

8
9 Dated: February 2, 2023.

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