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6 **COURT OF APPEALS**
7 **STATE OF ARIZONA**
8 **DIVISION ONE**
9

10 Mark Finchem,
11 Plaintiff/Appellant,
12 v.
13 Adrian Fontes, et al.,
14 Defendants/Appellees.

Court of Appeals
Division One
No. 1 CA-CV 23-0064
Maricopa County
Superior Court
No.: CV2022-053927

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18 **UNOPPOSED MOTION TO DISMISS APPEAL**
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20 Appellant, Mark Finchem, by and through counsel undersigned, moves this
21 Court to dismiss the above-captioned appeal from the lower court ruling dismissing
22 his election contest. After a series of decisions in the Arizona appellate courts related
23 to the 2022 statewide election, specifically *Lake v. Hobbs* and *Hamadeh v. Hayes*,
24 whose allegations more or less mirror Mr. Finchem's, Appellant has decided to
25 forego the appeal of his election contest dismissal.
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1 At this point, no briefs have been filed in this matter and Appellant has agreed
2 to reimburse Appellee for his appellate filing fee.

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4 Counsel undersigned has spoken with attorney Craig Morgan, lead counsel
5 for Appellee, and with the agreement that Appellant will reimburse Appellee's filing
6 fee, this Motion will be unopposed.

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8 Based on the above, Appellant moves this Court to dismiss his appeal of the
9 above-captioned case no. CA-CV 23-0064.

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12 DATED this 30th day of July, 2023.

13 McCauley Law Offices, P.C.

14 By: /s/ Daniel J. McCauley III

15 Daniel J McCauley III

16 Attorney for Appellant
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