

ARIZONA COURT OF APPEALS
DIVISION ONE

KARI LAKE,
Plaintiff/Appellant,

v.

KATIE HOBBS, *et al.*,
Defendants/Appellees.

KARI LAKE,
Petitioner,

v.

THE HONORABLE PETER
THOMPSON, Judge of the SUPERIOR
COURT OF THE STATE OF
ARIZONA, in and for the County of
MARICOPA,

Respondent Judge,

KATIE HOBBS, personally as
Contestee; ADRIAN FONTES, in his
official capacity as Secretary of State;
STEPHEN RICHER, in his official
capacity as Maricopa County Reporter,
et al.,

Real Parties in Interest.

Court of Appeals
Division One

No. 1 CA-CV 22-0779
No. 1 CA-SA 22-0237
(CONSOLIDATED)

Maricopa County
Superior Court
No. CV2022-095403

**MOTION FOR A PROCEDURAL
ORDER ENLARGING THE
WORD COUNT FOR REPLY
BRIEF**

ARCAP 6(b)

Kurt B. Olsen (admitted *pro hac vice*)
Olsen Law PC
1250 Connecticut Ave. NW, Ste. 700
Washington, DC 20036
Tel: 202-408-7025
Email: ko@olsenlawpc.com

Bryan James Blehm, Ariz. Bar #023891
Blehm Law PLLC
10869 N. Scottsdale Rd., Suite 103-256
Scottsdale, Arizona 85254
Tel: (602) 753-6213
Email: bryan@blehmlegal.com

Counsel for Appellant-Petitioner

INTRODUCTION

Kari Lake—appellant in No. 1 CA-CV 22-0779 and special action petitioner in No. 1 CA-SA 22-0237—hereby moves the Court for a procedural order pursuant to Rule 6(b), Ariz.R.Civ.App.P., enlarge the word count allowed for her reply brief from 7,000 words to 8,350 words, which is slightly less than half the combined word count of the two answering briefs filed by the appellees-respondents, who consented to the enlargement of the word count for the reply brief:¹

1. By Order dated January 9, 2023, this Court accepted jurisdiction in the special action, consolidated Lake’s two appellate actions, and issued a revised expedited briefing schedule.

2. Under Rule 14(a)(1)-(2), Ariz.R.Civ.App.P., answering briefs and reply briefs may total up to 14,000 and 7,000 words, respectively.

3. In appellate matters with more than one party as appellant or appellee, Rule 13(h), Ariz.R.Civ.App.P., requires aligned parties with “contentions in common [to] make a good faith effort to join in a single brief,” which the appellees-respondents endeavored to do. *See* Maricopa County Brief 2 (Statement of Joinder).

¹ Pursuant to Rule 27(c)(2), Ariz.R.Civ.App.P., Adrian Fontes in his official capacity as Arizona Secretary of State has replaced the former Secretary of State, Katie Hobbs, who remains a party in her individual capacity as contestee. The Court’s Order dated January 9, 2023, directed the parties to continue Ms. Hobbs as an official-capacity real party in interest in the caption.

4. Nonetheless, the Maricopa appellees-respondents filed a brief with 6,411 words, and the other appellee-respondent filed a brief of 10,307 words, for a total of 16,718 words in the combined appellee-respondent briefs.

5. In light of the Lake's need to reply to both briefs and the rule setting a reply briefs' word length at half an answering brief's length, appellant-respondent Lake respectfully requests leave to file a reply brief of up to 8,350 words, which is slightly less than half (8,359) the word count of the combined answering briefs.

6. As indicated, the appellees-respondents consented to this procedural motion enlarging the word count allowed for the reply brief from 7,000 words to 8,350 words.

WHEREFORE, appellant-petitioner Lake respectfully requests this Court's leave to file a reply brief of up to 8,350 words in this matter.

Dated: January 24, 2023

Respectfully submitted,

Kurt B. Olsen (admitted *pro hac vice*)
Olsen Law PC
1250 Connecticut Ave. NW, Ste. 700
Washington, DC 20036
Tel: 202-408-7025
Email: ko@olsenlawpc.com

/s/ Bryan James Blehm
Bryan James Blehm, Ariz. Bar #023891
Blehm Law PLLC
10869 N. Scottsdale Rd., Suite 103-256
Scottsdale, Arizona 85254
Tel: (602) 753-6213
Email: bryan@blehmlegal.com

Counsel for Appellant-Petitioner

CERTIFICATE OF SERVICE

Pursuant to Rule 4, Rules of Civil Appellate Practice, the undersigned certifies that the foregoing Petition for Transfer was e-filed via AZTURBO COURT on this 24th day of January, 2023 and served as follows:

E-FILED: AZTurboCourt:

Clerk of the Court
COURT OF APPEALS
1501 W. Washington Street, Room 203
Phoenix, Arizona 85007-3329

SERVED: Copies emailed to:

Honorable Peter Thompson
Maricopa County Superior Court
c/o Sarah Umphress
sarah.umphress@jbazmc.maricopa.gov

Daniel C. Barr
Alexis E. Danneman
Austin Yost
Samantha J. Burke
Perkins Coie LLP
2901 North Central Avenue
Suite 2000
Phoenix, AZ 85012
dbarr@perkinscoie.com
adanneman@perkinscoie.com
ayost@perkinscoie.com
sburke@perkinscoie.com
Attorneys for Defendant Katie Hobbs

and

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, WA 98101
akhanna@elias.law
Telephone: (206) 656-0177

and

Lalitha D. Madduri*
Christina Ford*
Elena A. Rodriguez Armenta*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
lmadduri@elias.law
cford@elias.law
erodriguezarmenta@elias.law
Attorneys for Defendant Katie Hobbs

and

D. Andrew Gaona
COPPERSMITH BROCKELMAN PLC
2800 North Central Avenue, Suite 1900
Phoenix, Arizona 85004
agoana@cblawyers.com
Attorney for Defendant Secretary of State Katie Hobbs

and

Sambo Dul
STATES UNITED DEMOCRACY CENTER
8205 South Priest Drive, #10312
Tempe, Arizona 85284
bo@statesuniteddemocracycenter.org
Attorney for Defendant Secretary of State Katie Hobbs

and

Thomas P. Liddy
Joseph La Rue
Joseph Branco
Karen Hartman-Tellez
Jack L. O'Connor
Sean M. Moore
Rosa Aguilar
Maricopa County Attorney's Office
225 West Madison St.
Phoenix, AZ 85003
liddyt@mcao.maricopa.gov
laruej@mcao.maricopa.gov
brancoj@mcao.maricopa.gov
hartmank@mcao.maricopa.gov
oconnorj@mcao.maricopa.gov
moores@mcao.maricopa.gov
aguilarr@mcao.maricopa.gov
Attorneys for Maricopa County Defendants

and

Emily Craiger
The Burgess Law Group
3131 East Camelback Road, Suite 224
Phoenix, Arizona 85016
emily@theburgesslawgroup.com
Attorneys for Maricopa County Defendants

James E. Barton II
BARTON MENDEZ SOTO PLLC
401 West Baseline Road Suite 205
Tempe, Arizona 85283
James@bartonmendezsoto.com

and

E. Danya Perry (pro hac vice forthcoming)
Rachel Fleder (pro hac vice forthcoming)
Joshua Stanton (pro hac vice forthcoming)
Lilian Timmermann (pro hac vice forthcoming)
PERRY GUHA LLP
1740 Broadway, 15th Floor
New York, NY 10019
dperry@perryguha.com
Attorneys for Amici Curiae
Helen Purcell and Tammy Patrick

/s/ Bryan James Blehm

Bryan James Blehm
Counsel for Appellant-Petitioner Kari Lake

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