

SUPREME COURT OF ARIZONA

RYAN L. HEATH,)
) Arizona Supreme Court
) No. CV-23-0002-SA
) Petitioner,)
) Maricopa County
) Superior Court
) No. CV2022-095403
) v.)
) HON. PETER A THOMPSON,)
) Respondent Judge,)
) KARI LAKE, personally as)
) Contestant/Plaintiff; KATIE)
) HOBBS, Contestee/Defendant)
) personally; ADRIAN FONTES, in)
) his official capacity as)
) Secretary of State; STEPHEN)
) RICHER, Defendant in his)
) official capacity as Maricopa)
) County Recorder; BILL GATES,)
) CLINT HICKMAN, JACK SELLERS,)
) THOMAS GALVIN, and STEVE)
) GALLARDO, Defendants in their)
) official capacities as members of)
) the Maricopa County Board of)
) Supervisors; SCOTT JARRETT,) **FILED 02/08/2023**
) Defendant in his official)
) capacity as Maricopa County)
) Director of Elections; and the)
) MARICOPA COUNTY BOARD OF)
) SUPERVISORS,)
))
) Real Parties in Interest.)
))
))

O R D E R

On January 9, 2023, the court of appeals entered its "Order Accepting Jurisdiction, Consolidating Cases, Setting Expedited Briefing Schedule and Resetting Conference." The order set a January 26, 2023 deadline for parties to file additional requests for leave

to file amicus curiae.

On January 27, 2023, this Court declined special action jurisdiction of this matter without prejudice to Petitioner Heath seeking leave to participate as an amicus in the court of appeals. Petitioner's "Motion for Leave to File as Amicus Curiae in Support of Kari Lake's Petition for Special Action" was filed January 31, 2023 in the court of appeals.

On February 2, 2023, the court of appeals entered an amended order denying Petitioner's Motion for Leave to File Amicus Brief as untimely. Petitioner then filed in this Court his "Motion for Clarification re: Court Order Issued January 27, 2023."

On February 3, 2023, Petitioner also filed his "Motion for Directive to the Court of Appeals to Preserve Petitioner's Argument in the Record," asking the Court to "direct the Court of Appeals to preserve Petitioner's Amended Writ of Mandate in the Record as an amicus brief."

Amicus briefs are governed by ARCAP Rule 16. Rule 16(b)(1) provides that a person may file as an amicus curiae only if (A) The brief is filed with the written consent of the parties and states that on the cover; (B) The person is the State of Arizona or an officer or agency of the State of Arizona, or is an Arizona county, city or town; or (C) The person submits the brief with permission of the appellate court granted by motion.

Petitioner is not a party to the underlying proceeding and has

not established that he is a party who is entitled to file as an amicus curiae as set forth in Rule 16(b)(1).

IT IS ORDERED denying the Motion for Clarification and the Motion for Directive.

DATED this 8th day of February, 2023.

 /s/

JOHN R. LOPEZ IV
Duty Justice

TO:
Ryan L Heath

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