

1 Spencer G. Scharff, 028946
2 SCHARFF PLC
3 502 W. Roosevelt Street
4 Phoenix, Arizona 85003
5 (602) 739-4417
6 spencer@scharffplc.com

7 *Attorney for Defendant-Intervenors*

8
9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
10
11 IN AND FOR THE COUNTY OF MARICOPA

12 MARICOPA COUNTY REPUBLICAN
13 PARTY, APACHE COUNTY
14 REPUBLICAN PARTY, NAVAJO
15 COUNTY REPUBLICAN PARTY, and
16 YUMA COUNTY REPUBLICAN PARTY,

17 Plaintiffs,

18 v.

19 MICHELE REAGAN, in her official capacity
20 as Arizona Secretary of State, EDISON J.
21 WAUNKA, in his official capacity as
22 Apache County Recorder; DAVID W.
23 STEVENS, in his official capacity as Cochise
24 County Recorder; PATTY HANSEN, in her
25 official capacity as Coconino County
26 Recorder; SADIE JO BINGHAM, in her
27 official capacity as Gila County Recorder;
28 WENDY JOHN, in her official capacity as
Graham County Recorder; BERTA MANUZ,
in her official capacity as Greenlee County
Recorder; SHELLY BAKER, in her official
capacity as La Paz County Recorder;
ADRIAN FOTNES, in his official capacity as
Maricopa County Recorder; KRISTI BLAIR,
in her official capacity as Mohave County
Recorder; DORIS CLARK, in her official
capacity as Navajo County Recorder; F. ANN
RODRIGUEZ, in her official capacity as Pima
County Recorder; VIRGINIA ROSS, in
her official capacity as Pinal County

Case No. CV2018-013963

**DEFENDANT-INTERVENORS
LEAGUE OF UNITED LATIN
AMERICAN CITIZENS OF
ARIZONA, LEAGUE OF WOMEN
VOTERS OF ARIZONA, AND
ARIZONA ADVOCACY NETWORK
FOUNDATION'S BRIEF IN
RESPONSE TO PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

(Assigned to the Hon. Margaret Mahoney)

1 Recorder; SUZANNE SAINZ, in her official
2 capacity as Santa Cruz County Recorder;
3 LESLIE M. HOFFMAN, in her official
4 capacity as Yavapai County Recorder;
5 ROBYN STALLWORTH PUQUETTE, in
6 her official capacity as Yuma County
7 Recorder,

8 Defendants.

9 Defendant-Intervenors LEAGUE OF UNITED LATIN AMERICAN CITIZENS
10 OF ARIZONA (“LULAC-AZ”), LEAGUE OF WOMEN VOTERS OF ARIZONA
11 (“LWV-AZ”), and ARIZONA ADVOCACY NETWORK FOUNDATION (“AANF”)
12 respectfully submit this Brief in Response to Plaintiffs’ Motion for a Temporary
13 Restraining Order. Voters have a procedural due process right, guaranteed by the United
14 States Constitution, to notice and an opportunity to cure alleged early ballot signature
15 mismatches. As the stipulated facts make clear, not all Arizona counties are complying
16 with this mandate, creating a patchwork system across the state. But the Court should not
17 remedy the violation of that right by *some* Arizona counties by ordering *all* Arizona
18 counties to deny voters due process.

19 Thus, if this Court is inclined to address the uniformity question on an emergency
20 basis, it should order all counties to provide voters with notice and an opportunity to
21 confirm their signatures through Wednesday, November 14, 2018—the deadline to cure
22 conditional provisional ballots. Otherwise voters will not only suffer a due process
23 deprivation, but also a denial of equal protection; voters who timely submitted ballots
24 cannot be treated differently depending upon whether signature mismatch issues are
25 identified by the County before or after the submission deadline. This is particularly so
26
27
28

1 given that voters reasonably relied upon the public statements of recorders that signature
2 issues could be cured post-Election Day. Plaintiffs were aware of those public statements
3 and attendant voter reliance, yet waited until Election Day had passed to file this lawsuit.
4

5 **ARGUMENT**

6 **I. Procedural Due Process Requires Notice and an Opportunity to Cure All** 7 **Early Ballot Signature Mismatch Issues.**

8 Voters have a procedural due process right to notice and an opportunity to cure
9 any alleged signature mismatches on early ballots. “Because voting is a fundamental
10 right, the right to vote is a ‘liberty’ interest which may not be confiscated without due
11 process.” [Raetzel v. Parks/Bellemont Absentee Election Bd.](#), 762 F. Supp. 1354, 1357 (D.
12 [Ariz.](#) 1990). The right to procedural due process extends equally to votes cast by early
13 ballot. “[O]nce the state creates an absentee voting regime, [it] ‘must administer it in
14 accordance with the Constitution.’” [Martin v. Kemp](#), ___ F. Supp. 3d ___, 2018 WL
15 [5276242](#), at *8 (N.D. Ga. Oct. 24, 2018) (quoting *Zessar v. Helander*, No. 05 C 1917,
16 2006 WL 642646, at *6 (N.D. Ill. 2006)). As the *Raetzel* court noted, “while the state is
17 able to regulate absentee voting, it cannot disqualify ballots, and thus disenfranchise
18 voters, without affording the individual appropriate due process protection.” *Id.*
19

20
21 To determine what process is due, courts apply the *Matthews v. Eldridge*
22 balancing test. First, the Court must consider “the private interest that will be affected by
23 the official action.” [Matthews v. Eldridge](#), 424 U.S. 319, 335 (1976). Second, the Court
24 should assess “the risk of an erroneous deprivation of such interest through the
25 procedures used, and the probative value, if any, of additional or substitute procedural
26 safeguards.” *Id.* Third, the Court should consider “the Government’s interest, including
27
28

1 the function involved and the fiscal and administrative burden that the additional or
2 substitute procedural requirements would entail.” *Id.* The application of the *Matthews* test
3 here compels the conclusion that all voters must be provided notice and an opportunity to
4 cure signature mismatches by confirming their signature; voters may not be denied that
5 due process simply because they timely returned their ballots closer to the deadline than
6 other voters.

8 *First*, the private interest is the exercise of fundamental constitutional right to vote.
9 See [Raetzel, 762 F. Supp. at 1358](#) (noting the “important fundamental interest in voting”
10 applicable to absentee balloting); *Martin*, [2018 WL 5276242, at *8](#) (concluding, in
11 signature mismatch case, that “the private interest at issue implicates the individual’s
12 fundamental right to vote and is therefore entitled to substantial weight”). The first
13 *Matthews* factor points strongly in the direction of affording all voters notice and an
14 opportunity for cure.

17 *Second*, the risk of erroneous deprivation is high and a notice and opportunity for
18 cure for *all* voters would significantly mitigate against that risk. In 2016, 2,657 mail-in
19 ballots in Arizona were rejected because officials deemed the ballot’s signature not to
20 match the signature on record. See Oct. 22, 2018 Letter to Sec’y Reagan at 1 (attached as
21 exhibit to Defendant-Intervenors Motion to Intervene).¹ That number can be outcome
22 determinative, and *any* deprivation is constitutionally problematic: “even rates of
23 rejection well under one percent translate to the disenfranchisement of dozens, if not
24

26 ¹ Counsel for the Maricopa County Recorder represented to the Court at the
27 November 8, 2016 Status Conference that at least 5,600 ballots would be at risk in the
28 present election.

1 hundreds, of otherwise qualified voters, election after election.” [Saucedo v. Gardner, ___](#)
2 [F. Supp. 3d ___, 2018 WL 3862704 \(D.N.H. Aug. 14, 2018\)](#). The risk of wrongful
3 rejection—that an official has incorrectly flagged a signature-matching problem—and
4 resultant disenfranchisement, is high. Arizona does not require election officials to
5 undergo any handwriting analysis training. *See id.* (“Neither state law nor any guidance
6 from state agencies sets forth functional standards for comparing signatures and assessing
7 variations; election officials are not required to undergo any training in handwriting
8 analysis.”). And courts have recognized that “laypersons are more likely to wrongly
9 determine that authentic signatures are not genuine than to make the opposite error.” *Id.*
10 (emphasis in original). A number of factors can cause a voter’s authentic signature to
11 vary from that on the state’s records, including “age, physical and mental condition,
12 disability, stress, accidental occurrences,” and others, and experts have opined that
13 “[v]ariations are more prevalent in writers who are elderly, disabled, ill, or who speak
14 English as a second language.” *Id.* at *7.

18 Not only is the risk of erroneous deprivation great but the probative value of
19 offering notice and an opportunity to cure through signature confirmation is high. As the
20 Northern District of Georgia recently concluded in a challenge to Georgia’s signature
21 mismatch regime, “permitting an absentee voter to resolve an alleged signature
22 discrepancy [] has the very tangible benefit of avoiding disenfranchisement.” *Martin*,
23 [2018 WL 5276242, at *9](#). Moreover, in contacting the voter and communicating with
24 them directly, election officials can satisfy themselves of the voter’s identity and confirm
25
26
27
28

1 that the ballot is genuine; such a process is therefore highly probative and protective of a
2 fundamental right.

3 *Third*, the government’s burden in providing notice and an opportunity for cure for
4 those voters’ whose signatures are questioned after the 7:00 PM ballot submission
5 deadline on Election Day is low. Arizona’s county recorders uniformly provide notice
6 and an opportunity to cure to voters for any alleged signature mismatches identified prior
7 to Election Day, and thus already have a process in place for affording those voters due
8 process. *See* Elections Procedures Manual (2014) at 60, 166 (“Manual”). Counties do not
9 need to create a new process in order to ensure all voters’ due process rights are
10 protected. *See* [Martin, 2018 WL 5276242, at *9](#) (“[T]he additional procedures impose a
11 minimal burden on [the State] because the statute elsewhere already provides notice, a
12 hearing, and an opportunity to appeal for absentee voters whose ballots are challenged for
13 ineligibility.”); [Fla. Democratic Party v. Detzner, No. 4:16cv607-MW/CAS, 2016 WL](#)
14 [6090943, at *8 \(N.D. Fla. Oct. 16, 2016\)](#) (“There is no reason that same procedure cannot
15 be implemented (rather, re-implemented) for mismatched-signature ballots.”). Moreover,
16 there is no reason the counties cannot follow the same deadline for curing early ballot
17 mismatched signatures as they already follow for curing provision ballot issues. *See*
18 *Martin*, [2018 WL 5276242, at *9](#) (“Defendants fail to explain why it would impose a
19 severe hardship to afford absentee voters a similar process for curing mismatched
20 signature ballots as for curing qualification challenges or casting a provisional ballot.”).

21 Defendant Yavapai County Recorder’s (YCR) contention that the deadline to cure
22 a signature must be the same as the deadline to return an early ballot is self-
23
24
25
26
27
28

1 defeating. *See* YCR Resp. at 3–4 (“Because all early ballots must be received by 7:00
2 p.m. on election night and the Recorder must process those ballots upon receipt, further
3 attempts to contact voters regarding mismatched signatures should cease at that
4 time.”). Under YCR’s logic, there would be no opportunity to cure any early-ballot
5 signatures, regardless of when they were received, because, according to YCR, they must
6 be processed upon receipt. Yet, Arizona law clearly provides that County Records “*shall*
7 . . . make a reasonable and meaningful attempt to contact the early voter.” Manual at 60
8 (emphasis added). Moreover, the Elections Procedures Manual expressly contemplates
9 that rejected ballots, i.e. ballots that have signature mismatches, need not be transmitted
10 to the early ballot board until the last day of processing. *See* Manual at 169 (“This step
11 normally only applies to the last day of processing, where any possible rejected items are
12 given to the boards to process. These items include: . . . signature does not match,
13 according to the County Recorder or other officer in charge of elections who performed
14 the signature comparison.”). It’s axiomatic that Election Day is not the last day to
15 process early ballots.

16
17 Moreover, YCR’s reliance on the early-ballot procedure to challenge a voter’s
18 eligibility to vote is misplaced. If anything, it demonstrates that Arizona law requires that
19 the County Recorders provide notice to voters before their early ballot is rejected and that
20 such notice can occur *after* 7pm on Election Day. *See* YCR Resp. at 5 (“Therefore,
21 notice must be made before 5:00 p.m. on Saturday, November 10, 2018 for personal
22 service or Thursday at 5:00 p.m. on November 8, 2018 for service by mail.”). YCR’s
23
24
25
26
27
28

1 position is definitively undercut by the fact that Pima County and others have allowed a
2 post-Election Day cure period for several cycles without incident.

3 Any administrative burden the government might cite is insufficient to overcome
4 the voters' interests in due process protection for their fundamental right to vote. "The
5 right to choose that [the Supreme Court] has been so zealous to protect, means, at the
6 least, that States may not casually deprive a class of individuals of the right to vote
7 because of some remote administrative benefit to the State." [Carrington v. Rash, 380](#)
8 [U.S. 89, 96 \(1965\)](#). While there is no doubt some administrative burden in continuing to
9 provide voters with notice and an opportunity to cure signature mismatch issues past 7
10 PM on Election Day, that burden "pales in comparison to that imposed by
11 unconstitutionally depriving those voters of their right to vote and to have their votes
12 counted." [Detzner, 2016 WL 6090943, at *8](#).

13 The *Matthews* test weighs heavily in the favor of the voter. Every court to address
14 this particular question has held that signature-matching requirements must be
15 accompanied by notice and an opportunity to cure. *See, e.g., Saucedo, 2018 WL 3862704*
16 (striking down New Hampshire's absentee ballot signature match requirement for failure
17 to provide pre-deprivation notice and opportunity to cure perceived mismatches); [Zessar](#)
18 [v. Helander, No. 05 C 1917, 2006 WL 642646 \(N.D. Ill. March 13, 2006\)](#), *vacated as*
19 *moot sub. nom Zessar v. Keith*, 536F.3d 788 (7th Cir. 2008) (striking down prior Illinois
20 signature match regime that failed to provide pre-deprivation notice and opportunity to
21 cure).

Moreover, the importance of maintaining adequate notice practices that are already in place is particularly high here because of voters' reliance on the public statements that were made in advance of the election by Maricopa and Pima Counties. To conclude otherwise would disenfranchise voters who acted in reasonable reliance on these statements—unchallenged by anyone until the belated filing of this lawsuit. The Constitution requires that all counties extend procedural due process rights to *all* early ballot voters, regardless of precisely when they timely submitted their ballots, or when the counties identified the alleged signature mismatch.

II. One Constitutional Violation—Disparate Standards for Notice and Cure—Cannot be Remedied by Creating Other Constitutional Violations—Procedural Due Process and Equal Protection Violations.

One constitutional violation cannot be traded for others. Yet that is precisely what would happen if the Court attempted to remedy the current disparate treatment across Arizona counties by ordering those counties properly affording voters due process to stop doing so. Not only would doing so deprive voters of their procedural due process rights, as discussed above, but it would also create a new Equal Protection violations.

First, as the Florida district court noted in *Detzner*, rejecting ballots without notice for wrongful signature mismatch determinations constitutes a severe burden on the right to vote—indeed, an outright denial.

After the election, thousands of those same voters—through no fault of their own and without any notice or opportunity to cure—will learn that their vote was not counted. If disenfranchising thousands of eligible voters does not amount to a severe burden on the right to vote, then this Court is at a loss as to what does . . . [T]he State of Florida has categorically disenfranchised thousands of voters arguably for no reason other than they have poor handwriting or their handwriting has changed over time.

1 [*Detzner*, 2016 WL 6090943, at *6–7](#). The same would be true if the counties currently
2 affording notice and cure rights to voters are ordered to stop (and is currently true for
3 those counties not affording notice and cure rights).

4
5 Second, imposing an artificial 7 PM deadline on Election Day for signature
6 confirmation would simply swap one equal protection violation for another. Although all
7 counties would impose the same deadline, that deadline would ensure that whether a
8 voter’s timely cast ballot will ultimately count would turn on when they turn in their
9 ballot, even if they turn it in well within the statutory deadline.

10
11 Finally, ordering the counties that have continued offering notice and an
12 opportunity to cure to stop *now* would exacerbate the equal protection problem. Doing so
13 would arbitrarily treat the same category of voters within those counties—those whose
14 signature issues were not cured prior to 7 PM on Election Day—differently depending
15 upon whether they managed to cure any issue prior to an order of this Court enjoining
16 further cure opportunities. As Plaintiffs contend, Mot. at 4, similarly situated voters may
17 not be treated differently. See [*Bush v. Gore*, 531 U.S. 98, 104–105 \(2000\)](#) (“Having once
18 granted the right to vote on equal terms, the State may not, by later arbitrary and disparate
19 treatment, value one person’s vote over that of another.”); see also 52 U.S.C.
20 § 10101(a)(2)(A) (providing that “[n]o person acting under color of law” may “apply any
21 standard, practice, or procedure different from the standards, practices, or procedures
22 applied . . . to other individuals within the same county . . . who have been found by
23 State official to be qualified to vote”).
24
25
26
27
28

1 The same deadline applied by Maricopa and Coconino Counties should be applied
2 to curing signature issues statewide. *See* Parties’ Joint Stipulated Factual Statement at
3 ¶¶ 3, 6. That is the only way to protect procedural due process rights, treat all voters on
4 equal footing, *and* avoid creating new equal protection violations.

6 **III. Plaintiffs’ Request to Enjoin Further Notice and Opportunity for Cure is**
7 **Barred by Laches.**

8 Laches requires denial of injunctive relief precluding further notice and
9 opportunity for cure by voters with signature mismatch issues. *See, e.g., Ariz. Pub.*
10 *Integrity All. Inc. v. Bennett*, No. CV-14-01044-PHX-NVW, 2014 WL 3715130, at *2
11 [\(D. Ariz. June 23, 2014\)](#). While Plaintiffs have identified a constitutional problem that
12 can and should be resolved by this Court requiring notice and opportunity to confirm
13 signatures across all counties, Plaintiffs are barred by laches from attempting to “level
14 down” and order counties to stop providing a post-Election Day cure period. Plaintiffs
15 knew of these policies prior to Election Day and their delay in seeking to eliminate a cure
16 period will cause undue prejudice to voters, who cast their ballots under the current rules
17 and procedures in place for this election cycle.

20 Laches applies to a request for equitable relief when “(1) a delay in asserting a
21 right or claim; (2) that the delay was not excusable; and (3) that the delay caused the
22 defendant undue prejudice.” *Seller Agency Council, Inc. v. Kennedy Center for Real*
23 *Estate Educ., Inc.*, 621 F.3d 981, 989 (9th Cir. 2010) (quotation omitted). As discussed
24 below those three elements are present here.

26 Plaintiffs are challenging practices that were explicitly and publicly identified by
27 the LULAC intervenors two weeks prior to this election, yet Plaintiffs waited until after
28

1 the election to bring this emergency suit. *See* October 22, 2018 Letter to Sec’y Reagan
2 (attached as exhibit to Defendant-Intervenors Motion for Intervention). As Plaintiff-
3 Intervenor Arizona Republican Party explained in its November 4, 2018 letter to the
4 counties, it was aware of the practices in place for this election cycle, at the very least
5 *before* the election took place. Plaintiffs delayed beyond the last minute and waited until
6 after the election when the ballot canvass is midstream before filing the present
7 complaint. Although a change to expand the pool of valid ballots that are counted is still
8 possible without causing injury, a change to eliminate a cure period upon which voters
9 relied would unduly prejudice voters.

12 Plaintiffs’ delay is inexcusable, particularly where voters have already cast their
13 ballots in reliance on the current rules in place for curing and counting ballots. In
14 *Arizona Democratic Party v. Reagan*, the district court denied a preliminary injunction
15 due to delay and timing of the election. [No. CV-16-03618-PHX-SPL, 2016 WL](#)
16 [6523427, at *14 \(D. Ariz. Nov. 3, 2016\)](#). Arizona state courts have similarly cautioned
17 that “a party’s failure to diligently prosecute an election appeal may in future cases result
18 in a dismissal for laches,” noting that “in the context of elections the laches doctrine
19 seeks to prevent dilatory conduct and will bar a claim if a party’s unreasonable delay
20 prejudices the opposing party or the administration of justice.” [Lubin v. Thomas, 213](#)
21 [Ariz. 496, 497 ¶ 10 \(2006\)](#). Plaintiffs’ delay renders their eleventh-hour emergency
22 motion unreasonable, particularly if the result would be a restriction of voters’ rights in
23 counties with constitutionally sound notice and cure policies.

1 Most crucially, Plaintiffs’ delay will cause undue prejudice to Arizona voters who
2 cast their ballots under the current rules and procedures in place for this election cycle.
3 As Pima and Maricopa Defendants explained on the Court’s November 8 telephonic
4 status conference, they are in the midst of counting early ballots, and Arizona law does
5 not authorize them to go back and reject early ballots already cured and counted. . Any
6 change to election policies mid-canvas may disrupt election administration, but an
7 eleventh-hour change that burdens voters’ constitutionally protected right to vote causes
8 more substantial prejudice, and should be denied.
9

10 **IV. Conclusion**

11 All voters are entitled to procedural due process and equal protection. This Court
12 should order *all* Arizona counties to offer voters whose signatures are questioned notice
13 and an opportunity to cure through the deadline for resolving provisional ballot issues—
14 five business days after the election (Wednesday, November 14, 2018). Any “remedy”
15 that would order counties to stop providing constitutionally mandated notice and
16 opportunity to respond would create far more constitutional violations than it would cure.
17
18
19
20
21
22
23
24
25
26
27
28

1 RESPECTFULLY SUBMITTED this 8th day of November, 2018.

2 SCHARFF PLC

3 /s/ Spencer G. Scharff

4 Spencer G. Scharff

SCHARFF PLC

5 502 W. Roosevelt Street

6 Phoenix, Arizona 85003

(602) 739-4417

7 spencer@scharffplc.com

8 Danielle Lang

9 (CA Bar 304450)*

CAMPAIGN LEGAL CENTER

10 1411 K Street NW, Suite 1400

11 Washington, DC 20005

(202) 736-2200

12 dlang@campaignlegalcenter.org

13 Kathleen E. Brody (Bar No. 026331)

14 Darrell L. Hill (Bar No. 030424)

ACLU Foundation of Arizona

15 3707 North 7th Street, Suite 235

16 Phoenix, AZ 85014

(602) 650-1854

17 kbrody@acluaz.org

dhill@acluaz.org

18 Julie A. Ebenstein*

19 (NY Bar 4619706)

20 AMERICAN CIVIL LIBERTIES

21 UNION

125 Broad Street, 17th Floor

22 New York, NY 98164

(212) 549-2500

23 jebenstein@aclu.org

24 *motions for admission *pro hac vice*
25 *forthcoming*

26 *Attorneys for Defendant-Intervenors League of*
27 *United Latin American Citizens of Arizona,*
28 *League of Women Voters of Arizona, and*
Arizona Advocacy Network Foundation

1 E-FILED with the Clerk, Maricopa County
2 Superior Court, and copy distributed via
3 AZTurboCourt this 8th day of November, 2018 to:

4 The Honorable Margaret Mahoney
5 Maricopa County Superior Court
6 201 W. Jefferson Street
7 Phoenix, AZ 85003

8 COPY of the foregoing served via email
9 This 8th day of November, 2018 to:

10 Britt Hanson <bhanson@cochise.az.gov>,
11 Charlene Laplante <claplante@santacruzcountyaz.gov>,
12 Christopher Keller <chris.keller@pinalcountyaz.gov>,
13 Colleen Connor <connorc@mcao.maricopa.gov>,
14 Craig Cameron <craig.cameron@pinalcountyaz.gov>,
15 Daniel Jurkowitz <daniel.jurkowitz@pcao.pima.gov>,
16 Glenn Buckelew <gbuckelew@co.la-paz.az.us>,
17 Graham County Attorney's Office <kangle@graham.az.gov>,
18 Greenlee County Attorney's Office <rgilliland@co.greenlee.az.us>,
19 Greenlee County Attorney's Office <jford@co.greenlee.az.us>,
20 Jason S. Moore <jason.moore@navajocountyaz.gov>,
21 Jefferson Dalton <jdalton@gilacountyaz.gov>,
22 Jessica Salem Sabo <jessica.sabo@yavapai.us>,
23 Joseph Young <jyoung@apachelaw.net>,
24 Rose M. Winkeler <rwinkeler@coconino.az.gov>,
25 Ryan Esplin <ryan.esplin@mohavecounty.us>,
26 Talia Offord <offordt@mcao.maricopa.gov>,
27 Thomas Stoxen <Thomas.stoxen@yavapai.us>,
28 William Kerekes <bill.kerekes@yumacountyaz.gov>,
Mark Elias <MElias@perkinscoie.com>,
Sambo Dul <SDul@perkinscoie.com>,
Sarah Gonski <SGonski@perkinscoie.com>,
Roopali Desai <rdesai@cblawyers.com>,
Brett W. Johnson <bwjohnson@swlaw.com>,
Andrew Sniegowski <asniegowski@swlaw.com>,
Tracy Hobbs <thobbs@swlaw.com>,
Kory Langhofer <kory@statecraftlaw.com>,
Joseph La Rue <Joseph.LaRue@azag.gov>,
Kara Karlson <Kara.Karlson@azag.gov>

Attorneys for Plaintiffs & Defendants & Intervenors
/s/ Spencer G. Scharff