

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)

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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,

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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

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