

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-23-0005-PR

PLANNED PARENTHOOD et al v KRISTIN MAYES/HAZELRIGG

Appellate Case Information

Case Filed: 12-Jan-2023
Case Closed:

Dept/Composition

En Banc

Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. John R Lopez
Hon. James P Beene
Hon. Kathryn H. King

Side 1. PLANNED PARENTHOOD ARIZONA, INC., SUCCESSOR-IN-INTEREST TO PLANNED PARENTHOOD CENTER OF TUCSON, INC.; LAURA CONOVER, PIMA COUNTY ATTORNEY, Appellant

(Litigant Group) PLANNED PARENTHOOD ARIZONA, INC., SUCCESSOR-IN-INTEREST TO PLANNED PARENTHOOD CENTER OF TUCSON, INC.

- Planned Parenthood Arizona Inc

Attorneys for: Appellants

D Andrew Gaona, Esq. (AZ Bar No. 28414)
Diana O Salgado, Esq. (NY Bar No. dianasalgado)
Austin C Yost, Esq. (AZ Bar No. 34602)

(Litigant Group) LAURA CONOVER, PIMA COUNTY ATTORNEY

- Laura Winsky Conover, Pima County Attorney's Office

Attorneys for: Appellant

Laura Winsky Conover, Esq. (AZ Bar No. 24080)
Jonathan Laurence Pinkney, Esq. (AZ Bar No. 25689)
Samuel Emiliano Brown, Esq. (AZ Bar No. 27474)
Aadika Singh, Esq. (AZ Bar No. aadikasingh)
Joshua Rosenthal, Esq. (AZ Bar No. joshuarosenthal)
Cristian Torres, Esq. (CA Bar No. 347816)

Side 2. KRISTIN K MAYES, ATTORNEY GENERAL OF THE STATE OF ARIZONA, Appellee

(Litigant Group) KRISTIN K MAYES, ATTORNEY GENERAL OF THE STATE OF ARIZONA

- Kristin K. Mayes, Arizona Attorney General's Office

Attorneys for: Appellee

Joshua D. Bendor, Esq. (AZ Bar No. 31908)
Alexander W Samuels, Esq. (AZ Bar No. 28926)
Luci Danielle Davis, Esq. (AZ Bar No. 35347)

Side 3. ERIC HAZELRIGG, M.D., AS GUARDIAN AD LITEM OF UNBORN CHILD OF PLAINTIFF JANE ROE AND ALL OTHER UNBORN INFANTS SIMILARLY SITUATED, Intervenor

(Litigant Group) ERIC HAZELRIGG, M.D., AS GUARDIAN AD LITEM OF UNBORN CHILD OF PLAINTIFF JANE ROE AND ALL OTHER UNBORN INFANTS SIMILARLY SITUATED

- Eric Hazelrigg

Attorneys for: Intervenor

Kevin Theriot, Esq. (AZ Bar No. 30446)
John J Bursch, Esq. (MI Bar No. johnbursch)
Denise M Harle, Esq. (GA Bar No. Harle)
Jacob Paul Warner, Esq. (AZ Bar No. 33894)

Side 4. INTERVENOR DENNIS MCGRANE, YAVAPAI COUNTY ATTORNEY, Intervenor

(Litigant Group) INTERVENOR DENNIS MCGRANE, YAVAPAI COUNTY ATTORNEY

- Dennis McGrane

Attorneys for: Intervenor

Kevin Theriot, Esq. (AZ Bar No. 30446)
Jacob Paul Warner, Esq. (AZ Bar No. 33894)
John J Bursch, Esq. (MI Bar No. johnbursch)
Denise M Harle, Esq. (GA Bar No. Harle)

Side 5. AMERICAN COLLEGE OF PEDIATRICIANS, Amicus Curiae

(Litigant Group) AMERICAN COLLEGE OF PEDIATRICIANS

- American College of Pediatricians

Attorneys for: Amicus Curiae

Joshua W Carden, Esq. (AZ Bar No. 21698)

Side 6. THE CHARLOTTE LOZIER INSTITUTE & AMERICAN CENTER FOR LAW AND JUSTICE, Amicus Curiae

(Litigant Group) THE CHARLOTTE LOZIER INSTITUTE & AMERICAN CENTER FOR LAW AND JUSTICE

- Charlotte Lozier Institute

Attorneys for: Amicus Curiae

- American Center for Law and Justice

Kevin L Beckwith, Esq. (AZ Bar No. 10766)
Olivia F Summers, Esq. (VA Bar No. 86919)

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Side 7. AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, Amicus Curiae

(Litigant Group) AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS

- American Association of Pro-Life Obstetricians and Gynecolog

Attorneys for: Amicus Curiae

Roberta S Livesay, Esq. (AZ Bar No. 10982)

Side 8. STATE OF ARKANSAS AND 16 OTHER STATES, Amicus Curiae

(Litigant Group) STATE OF ARKANSAS AND 16 OTHER STATES

- State of Arkansas

Attorneys for: Amicus Curiae

Parker C. Fox, Esq. (AZ Bar No. 35307)

Hannah L Templin, Esq. (AR Bar No. 2121277)

Side 9. SPEAKER OF THE ARIZONA HOUSE OF REPRESENTATIVES BEN TOMA AND PRESIDENT OF THE ARIZONA SENATE WARREN PETERSEN, Amicus Curiae

(Litigant Group) SPEAKER OF THE ARIZONA HOUSE OF REPRESENTATIVES BEN TOMA AND PRESIDENT OF THE ARIZONA SENATE WARREN PETERSEN

- Ben Toma, Arizona House of Representatives
- Warren Petersen, Arizona State Senate

Attorneys for: Amicus Curiae

Kory A Langhofer, Esq. (AZ Bar No. 24722)

Thomas J Basile, Esq. (AZ Bar No. 31150)

Side 10. JILL NORGAARD, FORMER REPRESENTATIVE OF THE ARIZONA HOUSE OF REPRESENTATIVES, DISTRICT 18, Amicus Curiae

(Litigant Group) JILL NORGAARD, FORMER REPRESENTATIVE OF THE ARIZONA HOUSE OF REPRESENTATIVES, DISTRICT 18

- Jill Norgaard

Attorneys for: Amicus Curiae

Andrew Lishko, Esq. (AZ Bar No. 33136)

Side 11. CENTER FOR ARIZONA POLICY, Amicus Curiae

(Litigant Group) CENTER FOR ARIZONA POLICY

- Center for Arizona Policy

Attorneys for: Amicus Curiae

Samuel D Green, Esq. (AZ Bar No. 32586)

Steven H Aden, Esq. (DC Bar No. stevenaden)

Side 12. ARIZONA LIFE COALITION, FREDERICK DOUGLASS FOUNDATION, AND THE NATIONAL HISPANIC CHRISTIAN LEADERSHIP CONFERENCE, Amicus Curiae

(Litigant Group) ARIZONA LIFE COALITION, FREDERICK DOUGLASS FOUNDATION, AND THE NATIONAL HISPANIC CHRISTIAN LEADERSHIP CONFERENCE

- Arizona Life Coalition
- Frederick Douglass Foundation
- National Hispanic Christian Leadership Conference

Attorneys for: Amicus Curiae

Timothy D Ducar, Esq. (AZ Bar No. 15037)

Mathew D Staver, Esq. (FL Bar No. mathewstaver)

Roger K. Gannam, Esq. (FL Bar No. rogergannam)

Side 13. CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS, Amicus Curiae

(Litigant Group) CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS

- Christian Medical and Dental Associations

Attorneys for: Amicus Curiae

Douglas Jeffery Newborn, Esq. (AZ Bar No. 29688)

Side 14. THE PROLIFE CENTER AT THE UNIVERSITY OF ST. THOMAS (MN), Amicus Curiae

(Litigant Group) THE PROLIFE CENTER AT THE UNIVERSITY OF ST. THOMAS (MN)

- The ProLife Center at the University of St. Thomas (MN)

Attorneys for: Amicus Curiae

Abigail Joy Mills, Esq. (AZ Bar No. 27219)

Side 15. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE (AACJ), Amicus Curiae

(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE (AACJ)

- Arizona Attorneys for Criminal Justice

Attorneys for: Amicus Curiae

David J Euchner, Esq. (AZ Bar No. 21768)

Lauren Beall, Esq. (AZ Bar No. 35147)

Side 16. FAMILY & JUVENILE LAW ASSOCIATION, Amicus Curiae

(Litigant Group) FAMILY & JUVENILE LAW ASSOCIATION

- James E. Rogers College of Law Family & Juvenile Law Assoc.

Attorneys for: Amicus Curiae

Susan Caroline Salmon, Esq. (AZ Bar No. 24264)

Joy Herr-Cardillo, Esq. (AZ Bar No. 9718)

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Side 17. NATIONAL COUNCIL OF JEWISH WOMEN OF ARIZONA, Amicus Curiae

(Litigant Group) NATIONAL COUNCIL OF JEWISH WOMEN OF ARIZONA

- National Council of Jewish Women

Attorneys for: Amicus Curiae

Alexis E Danneman, Esq. (AZ Bar No. 30478)

Jean-Jacques Cabou, Esq. (AZ Bar No. 22835)

Side 18. LAW PROFESSORS ALVERTINA ANTOGNINI, BARBARA ATWOOD, ERWIN CHERMERINSKY, GREER DONLEY, TONI MASSARO, AND VICTORIA NOURSE, Amicus Curiae

(Litigant Group) LAW PROFESSORS ALVERTINA ANTOGNINI, BARBARA ATWOOD, ERWIN CHERMERINSKY, GREER DONLEY, TONI MASSARO, AND VICTORIA NOURSE

- Albertina Antognini
- Barbara Atwood
- Erwin Chemerinski
- Greer Donley
- Ms Toni M Massaro
AZ Bar No. 12805
[Current Member]
Admitted 1/9/90
- Victoria Nourse

Attorneys for: Amicus Curiae

Adriane Janet Hofmeyr, Esq. (AZ Bar No. 25100)

Benjamin Seel, Esq. (DC Bar No. benjaminseel)

Orlando Economos, Esq. (DC Bar No. orlandoeconomos)

Side 19. KATIE HOBBS, Amicus Curiae

(Litigant Group) KATIE HOBBS

- Katie Hobbs, Office of the Governor

Attorneys for: Amicus Curiae

Sambo Dul, Esq. (AZ Bar No. 30313)

Neta Borshansky, Esq. (AZ Bar No. 38503)

Noah Gabrielsen, Esq. (AZ Bar No. 37161)

Side 20. LEAGUE OF WOMEN VOTERS OF ARIZONA AND ARIZONA BUSINESS OWNERS, Amicus Curiae

(Litigant Group) LEAGUE OF WOMEN VOTERS OF ARIZONA AND ARIZONA BUSINESS OWNERS

- League of Women Voters of Arizona
- Arizona Business Owners

Attorneys for: Amicus Curiae

Bruce E Samuels, Esq. (AZ Bar No. 15996)

Lauren Ann Crawford, Esq. (AZ Bar No. 27792)

Hannah Dolski, Esq. (AZ Bar No. 34793)

Anita R Rocha, Esq. (AZ Bar No. 37356)

Side 21. JOEL JOHN, Amicus Curiae

(Litigant Group) JOEL JOHN

- Joel John

Attorneys for: Amicus Curiae

Timothy J Berg, Esq. (AZ Bar No. 4170)

Emily Ayn Ward, Esq. (AZ Bar No. 29963)

Side 22. AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, AMERICAN MEDICAL ASSOCIATION, ARIZONA MEDICAL ASSOCIATION, AND SOCIETY FOR MATERNAL-FETAL MEDICINE, Amicus Curiae

(Litigant Group) AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, AMERICAN MEDICAL ASSOCIATION, ARIZONA MEDICAL ASSOCIATION, AND SOCIETY FOR MATERNAL-FETAL MEDICINE

- The American College of Obstetricians and Gynecologists
- American Medical Association
- Society for Maternal-Fetal Medicine

Attorneys for: Amicus Curiae

Christopher D Thomas, Esq. (AZ Bar No. 10482)

Karin Aldama, Esq. (AZ Bar No. 23816)

Kristine J Beaudoin, Esq. (AZ Bar No. 34853)

Nicole Saharsky, Esq. (DC Bar No. nicolesaharsky)

Side 23. MARIO VILLEGAS AND THE ESTATE OF BABY VILLEGAS, Amicus Curiae

(Litigant Group) MARIO VILLEGAS AND THE ESTATE OF BABY VILLEGAS

- Mario Villegas
- Estate of Baby Villegas

Attorneys for: Amicus Curiae

J Stanley Martineau, Esq. (AZ Bar No. 4755)

CASE STATUS

Apr 9, 2024.....Decision Rendered

Aug 22, 2023....Oral Argument Granted

[175177]

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Information presented in this document may not reflect all case activity and is subject to change without notice.

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CASE STATUS

Aug 4, 2023.....Continued

Jan 17, 2023.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA 2 CA-CV 22-0116					
PIM C127867			Kellie L Johnson, Trial Comments: (none)		

CASE DECISION

09-Apr-2024 OPINION

* ¶164 We affirm the trial court's judgment vacating the injunction of § 13-3603, vacate the court of appeals' opinion and stay of enforcement of § 13-3603, and remand to the trial court for potential consideration of the remaining constitutional challenge

Filed: **09-Apr-2024**

Mandate:

Decision Disposition

CofA Vacated
Affirmed

John Lopez.....Author
Clint Bolick.....Concur
James Beene.....Concur
Kathryn King.....Concur
Ann Timmer.....Dissent
Robert Brutinel.....Concur in the Dissent

148 PROCEEDING ENTRIES

- 12-Jan-2023 FILED: Motion for Extension of Time to File Petition for Review; Certificate of Service (Intervenor Hazelrigg)
- 20-Jan-2023 Intervenor Hazelrigg filed a "Motion for Extension of Time to File Petition for Review" on January 12, 2023. Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 6(b), a motion for a procedural order must include a statement by the moving party of whether the other parties consent to, or object to, the entry of the order that is sought; or why the moving party was unable to contact the other parties before filing the motion, and the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Therefore,

IT IS ORDERED the motion is denied without prejudice to Intervenor's ability to file a motion in compliance with ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by January 27, 2023. (Tracie K. Lindeman, Clerk)
- 20-Jan-2023 FILED: Motion for Procedural Order: Unopposed Motion for Extension of Time to File Petition for Review; Certificate of Service (Intervenor Hazelrigg)
- 27-Jan-2023 A "Motion for Procedural Order: Unopposed Motion for Extension of Time to File Petition for Review" (Intervenor Hazelrigg) having been filed on January 20, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before March 1, 2023. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by March 1, 2023. (Tracie K. Lindeman, Clerk)
- 17-Jan-2023 FILED: Record from CofA: Link to Electronic Record
- 1-Mar-2023 FILED: Intervenor/Appellee's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Intervenor Hazelrigg)
- 1-Mar-2023 FILED: Appendix to Intervenor/Appellee's Petition for Review; Certificate of Service (Intervenor Hazelrigg)
- 2-Mar-2023 FILED: Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney; Certificate of Service; Certificate of Compliance (Proposed Intervenor McGrane)
- 7-Mar-2023 RECEIPT No.: 2023-00234 ; \$280.00, Authorization: 8208770241804682, Applied to: ERIC HAZELRIGG, M.D., AS GUARDIAN AD LITEM OF UNBO - Class A Filing Fee (\$280.00) Paid for: ERIC HAZELRIGG, M.D., AS GUARDIAN AD LITEM OF UNBORN CHILD OF PLAINTIFF JANE ROE AND ALL OTHER UNBORN INFANTS SIMILARLY SITUATED - By nCourt LLC
- 7-Mar-2023 FILED: Unopposed Motion for Procedural Order (First Request); Certificate of Service (Appellant Planned Parenthood Arizona, Inc.)

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11. 9-Mar-2023 On March 2, 2023, Dennis McGrane, Yavapai County Attorney, filed a "Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney," seeking to join the Petition for Review filed on March 1, 2023 by Eric Hazelrigg, M.D., Intervenor/Appellee and Guardian ad Litem of all Arizona unborn infants. Upon consideration,
- IT IS ORDERED that the "Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney" will be considered in due course at the same conference as the Petition for Review.
- IT IS FURTHER ORDERED that responses to the Motion to Intervene are due no later than March 30, 2023.
- IT IS FURTHER ORDERED that responses to the Petition for Review are due no later than May 1, 2023.
- Those wishing to file amicus briefs in support of the Petition for Review or a Response to the Petition for Review may do so pursuant to Rule 16 (d)(1), Arizona Rules of Civil Appellate Procedure. (Hon. James P. Beene)
12. 9-Mar-2023 RECEIPT No.: 2023-00238 ; \$140.00, Authorization: 8296736913236936, Applied to: INTERVENOR DENNIS MCGRANE, YAVAPAI COUNTY ATTORNEY - Overpayment Class B (\$140.00) Paid for: INTERVENOR DENNIS MCGRANE, YAVAPAI COUNTY ATTORNEY - By nCourt LLC (Memo: (Overpayment))
13. 10-Mar-2023 An "Unopposed Motion for Procedural Order (First Request)" having been filed by Plaintiff/Appellant Planned Parenthood Arizona, Inc.,
- IT IS ORDERED granting a first extension of time to file the response to petition for review on or before May 1, 2023.
- No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
14. 23-Mar-2023 FILED: Return of Payment in the amount of \$140.00, State of Arizona Warrant No. 113098 dated 3/22/2023 to Alliance Defending Freedom for "Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney" filed by Intervenor McGrane, (See Dkt No. 8)
15. 22-Mar-2023 FILED: Motion to Associate Counsel Pro Hac Vice [John Bursch]; Certificate of Service; Exhibits; (Copy of Attorneys') Proposed Order (Intervenor Hazelrigg)
16. 27-Mar-2023 Kevin H. Theriot, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that John J. Bursch be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing John J. Bursch to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. James P. Beene)
17. 30-Mar-2023 FILED: Respondent Planned Parenthood Arizona, Inc.'s Response to Dennis McGrane, Yavapai County Attorney's Motion to Intervene and Join Petition for Review of Intervenor/Appellee Eric Hazelrigg, M.D.; Certificate of Service (Appellant Planned Parenthood of Arizona, Inc.)
18. 30-Mar-2023 FILED: Appellant Laura Conover, Pima County Attorney's Response to Dennis McGrane, Yavapai County Attorney's Motion to Intervene and Join Petition for Review of Intervenor/Appellee Eric Hazelrigg, M.D.; Certificate of Service (Appellant Conover)
19. 30-Mar-2023 FILED: The State's Opposition to Yavapai County Attorney Dennis McGrane's Motion to Intervene; Certificate of Service; Certificate of Compliance (Appellee State)
20. 30-Mar-2023 FILED: Notice of Substitution of Counsel Within Governmental Agency [Bendor, Samuels and Davis Attorneys of Record]; Certificate of Service (Appellee State)
21. 3-Apr-2023 FILED: Emergency Motion for Procedural Order Extension to File Reply Memorandum; Certificate of Service (Intervenors Hazelrigg/McGrane)
22. 4-Apr-2023 An "Emergency Motion for Procedural Order Re: Extension of Time to File Reply Memorandum" (Intervenors Hazelrigg, et al.) having been filed on April 3, 2023,
- IT IS ORDERED granting Intervenors an extension of time to file their reply on or before April 20, 2023. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
23. 7-Apr-2023 FILED: Ex Parte Application to Withdraw as Counsel with Client Consent; Certificate of Service (Appellant Planned Parenthood Arizona, Inc.)
24. 12-Apr-2023 On April 7, 2023, Appellants Planned Parenthood filed an "Ex Parte Application to Withdraw as Counsel with Client Consent" on behalf of attorney Sarah MacDougall. After consideration,
- IT IS ORDERED granting the motion to withdraw as attorney. (Hon. Clint Bolick)

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25. 20-Apr-2023 FILED: Reply in Support of Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney; Certificate of Service (Proposed Intervenor MGrane, Yavapai County)
26. 28-Apr-2023 FILED: Appellant Pima County Attorney's Response to Appellee Hazelrigg's Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Conover)
27. 1-May-2023 FILED: Attorney General's Response to Petition for Review by Substitute Intervenor Eric Hazelrigg; Certificate of Service; Certificate of Compliance (Appellee State)
28. 1-May-2023 FILED: Plaintiff-Appellant Planned Parenthood Arizona, Inc.'s Response to Intervenor-Appellee Eric Hazelrigg, M.D.'s Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Planned Parenthood Arizona, Inc.)
29. 4-May-2023 RECEIPT No.: 2023-00455 ; \$140.00, Authorization: 8473084116761755, Applied to: PLANNED PARENTHOOD ARIZONA, INC., SUCCESSOR-IN-INT - Class B Filing Fee (\$140.00) Paid for: PLANNED PARENTHOOD ARIZONA, INC., SUCCESSOR-IN-INTEREST TO PLANNED PARENTHOOD CENTER OF TUCSON, INC. - By nCourt LLC
30. 9-May-2023 FILED: Letter to Appellant Coppersmith Brockelman PLC (Verification of Pro Hac Vice Status: Diane O. Salgado)
31. 9-May-2023 FILED: Letter to Appellant Pima County Attorney's Office (Verification of Pro Hac Vice Status: Singh, Rosenthal, Torres)
32. 9-May-2023 FILED: Letter to Intervenor Alliance Defending Freedom (Verification of Pro Hac Vice Status: John J. Bursch and Denise M. Harle)
33. 15-May-2023 FILED: Motion of Local Counsel for Pro Hac Vice Admission of Diana O. Salgado; Certificate of Service (Appellant Planned Parenthood of Arizona, Inc.)
34. 16-May-2023 FILED: Motion to Associate Counsel Pro Hac Vice [Denise Harle]; Certificate of Service; Exhibits (Intervenor Hazelrigg)
35. 16-May-2023 D. Andrew Gaona, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Diana O. Salgado be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Diana O. Salgado to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. John R. Lopez IV)
36. 16-May-2023 Kevin H. Theriot, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Denise M. Harle be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Denise M. Harle to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. John R. Lopez IV)
37. 22-May-2023 FILED: Brief of American College of Pediatricians as Amicus Curiae in Support of Intervenor/Appellee's Petition for Review; Certificate of Service; Certificate of Compliance (Amicus American College of Pediatricians)
38. 22-May-2023 FILED: Consent of All Parties (Amicus American College of Pediatricians)
39. 22-May-2023 FILED: Amici Curiae Brief of the Charlotte Lozier Institute & American Center for Law and Justice in Support of Intervenor/Appellee Eric Hazelrigg, M.D. (Unopposed); Certificate of Service; Certificate of Compliance; Certificate of Service of Certificate of Compliance (Amicus CLI/ALCJ)
40. 22-May-2023 FILED: Motion for Leave to File Amici Curiae Brief of the Charlotte Lozier Institute and American Center for Law & Justice in Support of Intervenor/Appellee Eric Hazelrigg M.D.; Certificate of Service (Amicus CLI/ALCJ)
41. 22-May-2023 FILED: Certificate of Compliance; Certificate of Service of Certificate of Compliance (Amicus CLI/ALCJ)
42. 22-May-2023 FILED: Consent of the Parties; Certificate of Service (Amicus CLI/ALCJ)
43. 22-May-2023 FILED: Letter to Kevin Beckwith (Verification of Pro Hac Vice Status for Olivia F. Summers)
44. 22-May-2023 FILED: Brief of American Association of Pro-Life Obstetricians and Gynecologists as Amicus Curiae in Support of Petitioner Intervenor/Appellee Eric Hazelrigg, M.D.; Certificate of Service; Certificate of Compliance (Amicus AAPLOG)
45. 22-May-2023 FILED: Consent of all Parties to Appear as Amicus (Amicus AAPLOG)
46. 22-May-2023 FILED: Notice of Appearance; (Duplicate) Notice of Appearance (Amicus State of Arkansas)

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47. 22-May-2023 FILED: Brief of Amici Curiae Arkansas & 16 Other States in Support of Petition for Review; (Duplicate) Brief of Amici Curiae Arkansas & 16 Other States in Support of Petition for Review; (Duplicate) Brief of Amici Curiae Arkansas & 16 Other States in Support of Petition for Review (Amicus State of Arkansas)
48. 22-May-2023 FILED: Motion to Associate Counsel Pro Hac Vice [Hannah Templin]; (Duplicate) Motion Pro Hac Vice with Certificate of Service; Proposed Order Pro Hac Vice (Amicus State of Arkansas)
49. 22-May-2023 FILED: Consent of all Parties (Amicus State of Arkansas)
50. 22-May-2023 FILED: Brief of Amici Curiae Speaker of the Arizona House of Representatives Ben Toma and President of the Arizona Senate Warren Petersen; Certificate of Service; Certificate of Compliance (Amicus Toma/Petersen)
51. 22-May-2023 FILED: No Motion Required Per ARS 12-1841 (Blank Filing) (Amicus Toma/Petersen)
52. 22-May-2023 FILED: Brief of Amicus Curiae Jill Norgaard, Former Representative of the Arizona House of Representatives, District 18 Filed with the Consent of All Parties; Certificate of Service; Certificate of Compliance (Amicus Norgaard)
53. 22-May-2023 FILED: Email Consent of Parties (Amicus Norgaard)
54. 22-May-2023 FILED: Brief of Center for Arizona Policy as Amicus Curiae in Support of Intervenor/Appellee's Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Center for Arizona Policy)
55. 22-May-2023 FILED: Email Consent of Parties (Amicus Center for Arizona Policy)
56. 23-May-2023 FILED: Letter to Reason for Life (Verification of Pro Hac Vice Status: Steven H. Aden)
57. 23-May-2023 FILED: Letter to Timothy Ducar (Verification of Pro Hac Vice Status for Mathew D. Staver/ Roger K. Gannam)
58. 22-May-2023 FILED: Consent Brief of Amici Curiae Arizona Life Coalition, Frederick Douglass Foundation, and The National Hispanic Christian Leadership Conference in Support of Petition For Review; Certificate of Service; Certificate of Compliance (Amicus Arizona Life Coalition/Frederick Douglass Foundation/ NHCLC)
59. 22-May-2023 FILED: Consent of All Parties; Declaration of Timothy D. Ducar Regarding Consent of Parties (Amicus Arizona Life Coalition/Frederick Douglass Foundation/ NHCLC)
60. 22-May-2023 FILED: Motion for Leave to File Amicus Curiae Brief of Christian Medical & Dental Association in Support of Intervenor/Appellee; (Duplicate) Motion for Leave to File Amicus Curiae Brief of Christian Medical & Dental Association in Support of Intervenor/Appellee; Brief of Amicus Curiae Christian Medical & Dental Associations in Support of Intervenor/Appellee (Amicus Christian Medical & Dental Association)
61. 22-May-2023 FILED: (Duplicate) Motion for Leave to File Amicus Curiae Brief of Christian Medical & Dental Association in Support of Intervenor/Appellee; (Duplicate) Brief of Amicus Curiae Christian Medical & Dental Associations in Support of Intervenor/Appellee (Amicus Christian Medical & Dental Association)
62. 22-May-2023 FILED: Motion to Submit Brief as Amicus Curiae From the Prolife Center at the University of St.Thomas (MN); Certificate of Service (Amicus Prolife Center at the University of St. Thomas)
63. 22-May-2023 FILED: Motion to File Amicus Curiae Brief Without All Parties' Permission (Amicus Prolife Center at the University of St. Thomas)
64. 23-May-2023 FILED: Motion to Associate Counsel Pro Hac Vice (Joshua A. Rosenthal); Certificate of Service; Exhibits (Appellant Conover)
65. 23-May-2023 FILED: Motion to Associate Counsel Pro Hac Vice (Aadika Singh); Certificate of Service; Exhibits (Appellant Conover)
66. 23-May-2023 FILED: Motion to Associate Counsel Pro Hac Vice (Cristian Torres); Certificate of Service; Exhibits (Appellant Conover)
67. 25-May-2023 Samuel E. Brown, having filed Motions to Associate Counsel Pro Hac Vice asking that Joshua A. Rosenthal, Aadika Singh and Cristian Torres be allowed to appear and participate in the above-referenced matter and the appropriate applications and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,

IT IS ORDERED granting the Motions and authorizing Joshua A. Rosenthal, Aadika Singh and Cristian Torres to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. John R. Lopez IV)
68. 6-Jun-2023 FILED: Motion to Extend Pro Hac Vice Application Deadline; Certificate of Service; (Proposed) Order Re: Motion to Extend Pro Hac Vice Filing Deadline (Amicus CLI/ALCJ)
69. 8-Jun-2023 FILED: Attorney General's Motion for Procedural Order: For Leave to File Combined Response to Amici Curiae; Certificate of Service (Appellee State)
70. 8-Jun-2023 FILED: Planned Parenthood Arizona, Inc.s' Motion for Procedural Order Regarding Response to Amicus Curiae Briefs; Certificate of Service (Appellant Planned Parenthood of Arizona, Inc.)

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71. 9-Jun-2023 On May 22, 2023, Parker C. Fox filed a "Motion to Associate Counsel Pro Hac Vice," asking that Hannah L. Templin be allowed to appear in the above referenced matter, but without providing the required application and related materials pursuant to Rule 39(a)(2)(E) of the Arizona Rules of Civil Appellate Procedure. Accordingly,
- IT IS ORDERED denying the motion to associate counsel Pro Hac Vice, without prejudice to local counsel filing a motion in compliance with Rule 39(a). (Hon James P. Beene)
72. 9-Jun-2023 FILED: Eric Hazelrigg's Response to Attorney General Kristin Mayes' and Planned Parenthood Arizona, Inc.'s Motions for Procedural Order Regarding Response to Amicus Curiae Briefs; Certificate of Service (Intervenor Hazelrigg)
73. 12-Jun-2023 FILED: Motion of Mark A. Lippelmann to Withdraw as Counsel for Eric Hazelrigg, M.D., Intervenor and Guardian Ad Litem of all Arizona Unborn Infants; Certificate of Service (Intervenor Hazelrigg)
74. 12-Jun-2023 FILED: Attorney General's Response to Amicus Curiae Briefs in Support of Petition for Review by Substitute Intervenor Eric Hazelrigg; Certificate of Service; Certificate of Compliance (Appellee State)
75. 12-Jun-2023 FILED: Plaintiff-Appellant Planned Parenthood Arizona, Inc.'s Response to Ten Amicus Curiae Briefs in Support of Intervenor-Appellee's Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Planned Parenthood of Arizona, Inc.)
76. 14-Jun-2023 A "Motion to Extend Pro Hac Vice Application Deadline" (Amicus CLI/ALCJ) having been filed on June 6, 2023,
- IT IS ORDERED granting an extension of time to file Pro Hac Vice documents on or before July 12, 2023. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
77. 14-Jun-2023 A "Motion of Mark A. Lippelmann to Withdraw as Counsel for Eric Hazelrigg, M.D., Intervenor and Guardian Ad Litem of all Arizona Unborn Infants" (Intervenor Hazelrigg) having been filed on June 12, 2023. Therefore,
- IT IS ORDERED granting Lippelman's motion to withdraw as counsel. (Tracie K. Lindeman, Clerk)
78. 14-Jun-2023 On June 8, 2023, Appellee State filed "Attorney General's Motion for Procedural Order: For Leave to File Combined Response to Amici Curiae," and Appellant Planned Parenthood of Arizona, Inc. filed "Planned Parenthood Arizona, Inc.'s Motion for Procedural Order Regarding Response to Amicus Curiae Briefs," in which the parties request extended pagination to 5,000 words for their combined responses to amici curiae briefs. After consideration,
- IT IS ORDERED granting the motions to combine Amicus Brief responses.
- IT IS FURTHER ORDERED granting the request for extended pagination. The responses shall not exceed 5,000 words. (Hon James P. Beene)
79. 15-Jun-2023 A "Motion for Leave to File Amici Curiae Brief of the Charlotte Lozier Institute and American Center for Law & Justice in Support of Intervenor/Appellee Eric Hazelrigg M.D." (Amicus CLI/ALCJ) and the brief of amicus curiae were filed on May 22, 2023. After consideration,
- IT IS ORDERED the "Motion for Leave to File Amici Curiae Brief of the Charlotte Lozier Institute and American Center for Law & Justice in Support of Intervenor/Appellee Eric Hazelrigg M.D" is granted. The brief shall be filed as of May 22, 2022. (Tracie K. Lindeman, Clerk)
80. 15-Jun-2023 A "Motion for Leave to File Amicus Curiae Brief of Christian Medical & Dental Association in Support of Intervenor/Appellee" and the brief of amicus curiae were filed on May 22, 2023. After consideration,
- IT IS ORDERED the "Motion for Leave to File Amicus Curiae Brief of Christian Medical & Dental Association in Support of Intervenor/Appellee" is granted. The brief shall be filed as of May 22, 2023. (Tracie K. Lindeman, Clerk)
81. 15-Jun-2023 A "Motion to Submit Brief as Amicus Curiae From the Prolife Center at the University of St. Thomas (MN)" and "Motion to file Amicus Curiae Brief Without all Parties' Permission" (Amicus Prolife Center at the University of St. Thomas) and the brief of amicus curiae were filed on May 22, 2023. After consideration,
- IT IS ORDERED the "Motion to Submit Brief as Amicus Curiae From the Prolife Center at the University of St. Thomas (MN)" and "Motion to file Amicus Curiae Brief Without all Parties' Permission" is granted. The brief shall be filed as of May 22, 2023. (Tracie K. Lindeman, Clerk)
82. 22-Jun-2023 FILED: Amended Motion to Associate Counsel Pro Hac Vice [Hannah Templin]; Certificate of Service; Exhibits; Proposed Order (Amicus State of Arkansas)

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83. 22-Jun-2023 Parker C. Fox, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Hannah L. Templin be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,

IT IS ORDERED granting the Motion and authorizing Hannah L. Templin to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon James P. Beene)
84. 10-Jul-2023 FILED: Motion to Associate Counsel Pro Hac Vice (Olivia Summers); Certificate of Service; (Proposed) Order (Amicus CLI/ALCJ)
85. 10-Jul-2023 Kevin L. Beckwith, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Olivia F. Summers be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,

IT IS ORDERED granting the Motion and authorizing Olivia F. Summers to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon William G. Montgomery)
86. 4-Aug-2023 ORDERED: Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney = CONTINUED.

FURTHER ORDERED: Intervenor/Appellee's Petition for Review = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Intervenor Hazelrigg) = CONTINUED.
87. 22-Aug-2023 ORDERED: Motion to Intervene and Join Petition for Review of Intervenor/Appellee Dennis McGrane, Yavapai County Attorney = GRANTED.

FURTHER ORDERED: Intervenor/Appellee's Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than September 20, 2023. Any amicus briefs are due on or before October 4, 2023 and any responses to amicus briefs are due on or before October 18, 2023. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Intervenor Hazelrigg) = CONTINUED.
88. 30-Aug-2023 NOTICE OF ORAL ARGUMENT: Set for Tuesday, December 12, 2023 at 10:15 A.M. [twenty (20) minutes per side]
89. 31-Aug-2023 FILED: Notice of Acknowledgment of Oral Argument (Joshua D. Bendor will argue) (Appellee State)
90. 31-Aug-2023 FILED: Notice of Acknowledgment of Oral Argument (Jacob P. Warner will argue) (Intervenors Hazelrigg and McGrane)
91. 31-Aug-2023 FILED: Pro Hac Vice Exhibits (Mathew D. Staver); Certificate of Service (Amicus Arizona Life Coalition/Frederick Douglass Foundation/ NHCLC)
92. 1-Sep-2023 FILED: Notice of Acknowledgment of Oral Argument (Laura Conover to Argue) (Appellant Planned Parenthood Arizona, Inc.)
93. 5-Sep-2023 FILED: Notice of Acknowledgment of Oral Argument [D. Andrew Gaona to Argue] (Appellant Planned Parenthood Arizona, Inc.)
94. 14-Sep-2023 This matter is scheduled for oral argument on December 12, 2023 at 10:15 a.m. This Court sent a notice of oral argument and advocacy instructions to the parties. Based on the responses, Appellant Planned Parenthood, Appellant Pima County Attorney, Appellee Attorney General and Intervenors/Appellees Hazelrigg and McGrane are intending to appear at argument. The parties are advised that Appellants will have 20 minutes for argument and Appellee/Intervenors will have 20 minutes, for a total of 40 minutes. It is the responsibility of the parties to allocate the available time in accordance with their respective positions. If the parties are unable to agree, the Court will allocate the time. (Hon. Robert Brutinel)
95. 20-Sep-2023 FILED: Intervenors/Appellees' Supplemental Brief; Certificate of Service; Certificate of Compliance (Intervenor Hazelrigg)
96. 20-Sep-2023 FILED: Supplemental Brief of Plaintiff-Appellant Planned Parenthood Arizona, Inc.; Certificate of Service; Certificate of Compliance (Appellant Planned Parenthood Arizona, Inc.)
97. 20-Sep-2023 FILED: Pima County Attorney's Supplemental Brief on Grant of Intervenors' Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Conover)
98. 20-Sep-2023 FILED: The Attorney General's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)

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99. 28-Sep-2023 FILED: Motion to Associate Steven H. Aden as Counsel Pro Hac Vice; Certificate of Service; Pro Hac Vice Application Materials and Letter from Steven H. Aden; Proposed Order (Amicus Center for Arizona Policy)
100. 28-Sep-2023 Samuel D. Green, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Steven H. Aden be allowed to appear in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Steven H. Aden to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)
101. 29-Sep-2023 FILED: Consent Brief of Amici Curiae Arizona Life Coalition, Frederick Douglass Foundation, and the National Hispanic Christian Leadership Conference in Support of Intervenor-Appellee; Certificate of Service; Certificate of Compliance (Amici Arizona Life Coalition, et al.)
102. 3-Oct-2023 FILED: Brief of Amicus Curiae Arizona Attorneys for Criminal Justice (AACJ) in support of Appellants Filed with Consent of all Parties; Certificate of Service; Certificate of Compliance (Amicus AACJ)
103. 3-Oct-2023 FILED: Consent of all Parties (Amicus AACJ)
104. 4-Oct-2023 FILED: Amicus Curiae Brief of the Family & Juvenile Law Association, University of Arizona, James Rogers College of Law in Support of Respondents; Certificate of Service; Certificate of Compliance (Amicus Family & Juvenile Law Assoc.)
105. 4-Oct-2023 FILED: Consent of Parties (Amicus Family & Juvenile Law Assoc.)
106. 4-Oct-2023 FILED: Brief of Amicus Curiae National Council of Jewish Women of Arizona in Support of Planned Parenthood Arizona; Certificate of Service; Certificate of Compliance (Amicus National Council of Jewish Women)
107. 4-Oct-2023 FILED: Consent of All Parties (Amicus National Council of Jewish Women)
108. 4-Oct-2023 FILED: Brief of Amici Curiae Law Professors Filed with Written Consent of all Parties; Certificate of Service; Certificate of Compliance (Amici Law Professors)
109. 4-Oct-2023 FILED: Consent of Parties to Amicus Law Professors (Amici Law Professors)
110. 4-Oct-2023 FILED: Brief of Amici Curiae Speaker of the Arizona House of Representatives Ben Toma and President of the Arizona Senate Warren Petersen; Certificate of Service; Certificate of Compliance (Amici Toma/Petersen)
111. 4-Oct-2023 FILED: Letter to Adriane Hofmeyr (Verification of Pro Hac Vice Status)
112. 4-Oct-2023 FILED: Brief of Governor Katie Hobbs As Amicus Curiae in Support of Planned Parenthood Arizona Inc., the Pima County Attorney, and the Attorney General; Certificate of Service; Certificate of Compliance (Amicus Curiae Katie Hobbs)
113. 4-Oct-2023 FILED: This Brief is Filed Pursuant to the Court's August 22, 2023 Order, and Pursuant to Rule 16(b)(1)(B) of the Arizona Rules of Civil Appellate Procedure. (Amicus Curiae Katie Hobbs)
114. 4-Oct-2023 FILED: Brief of Amici Curiae League of Women Voters of Arizona and Arizona Business Owners; Certificate of Service; Certificate of Compliance (Amicus Curiae League of Women Voters et al.)
115. 4-Oct-2023 FILED: Notice of Consent of Parties (Amicus Curiae League of Women Voters et al.)
116. 4-Oct-2023 FILED: Brief of Amicus Curiae Joel John Filed With Written Consent of all Parties; Certificate of Service; Certificate of Compliance (Amicus Curiae Joel John)
117. 4-Oct-2023 FILED: Written Consent of all Parties (Amicus Curiae Joel John)
118. 4-Oct-2023 FILED: Brief of Amici Curiae American College of Obstetricians and Gynecologists, American Medical Association, Arizona Medical Association, and Society for Maternal-Fetal Medicine in Support of Plaintiffs; Certificate of Service; Certificate of Compliance (Amicus Curiae American College of Obstetricians and Gynecologists et al.)
119. 4-Oct-2023 FILED: Consent of All Parties (Amicus Curiae American College of Obstetricians and Gynecologists et al.)
120. 4-Oct-2023 FILED: Amici Curiae's Notice of Errata with Exhibit A (Signature); Certificate of Service (Amicus Curiae American College of Obstetricians and Gynecologists et al.)
121. 4-Oct-2023 FILED: Brief of Mario Villegas and the Estate of Baby Villegas as Amici Curiae in Support of The petition for Review; Certificate of Service; Certificate of Compliance (Amicus Curiae Mario Villegas et al.)
122. 4-Oct-2023 FILED: Consent of all Parties (Amicus Curiae Mario Villegas et al.)

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123.	4-Oct-2023	FILED: Brief of Center for Arizona Policy as Amicus Curiae in Support of Intervenor/Appellees; Certificate of Service; Certificate of Compliance; Consent of Parties (Amicus Curiae Center for Arizona Policy)
124.	18-Oct-2023	FILED: Intervenor/Appellees' Response to Amicus Briefs; Certificate of Service; Certificate of compliance (Intervenor/Appellees Hazelrigg, et al.)
125.	18-Oct-2023	FILED: Plaintiff-Appellant Planned Parenthood Arizona, Inc.'s Response to Four Amicus Curiae Briefs in Support of Intervenor-Appellees; Certificate of Service; Certificate of Compliance (Appellant Planned Parenthood)
126.	18-Oct-2023	FILED: The Attorney General's Response to Amici Curiae in Support of Petitioners; Certificate of Service; Certificate of Compliance (Appellee Attorney General)
127.	18-Oct-2023	FILED: Pima County Attorney's Response to Amicus Briefs; Certificate of Service; Certificate of Compliance (Appellant Pima County Attorney)
128.	19-Oct-2023	FILED: Motion to Extend Pro Hac Vice Filing Deadline; Certificate of Service; (Proposed) Order re Motion to Extend Pro Hac Vice Filing Deadline (Amicus Curiae Law Professors)
129.	20-Oct-2023	<p>Adriane Hofmeyr, filed a "Motion to Extend Pro Hac Vice Filing Deadline" for Benjamin Seel and Orlando Economos to appear in the above-referenced matter, asserting that: the State Bar of Arizona has approved the application for Orlando Economos; the application for Benjamin Steel is still pending; and the State Bar is mailing the approved application for Orlando Economos. The motion did not include any copies of materials provided to the State Bar consistent with the requirements for submission to the Bar under Rule 39(a)(2). Upon consideration,</p> <p>IT IS ORDERED granting the "Motion to Extend Pro Hac Vice Filing Deadline" until November 2, 2023.</p> <p>IT IS FURTHER ORDERED that upon receipt of the State Bar's Notice of Receipt of Complete Application for Orlando Economos, Counsel will complete the association process set forth in Rule 39(a)(2)(E), Arizona Rules of the Supreme Court.</p> <p>IT IS FURTHER ORDERED that, in the interim until the State Bar has completed the processing for the application of Benjamin Seel, counsel will include with the notification to this Court for Orlando Economos copies of the documentation submitted to the State Bar for Benjamin Seel. (Tracie K. Lindeman, Clerk)</p>
130.	26-Oct-2023	FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Motion to Associate - Exhibit A; Motion to Associate - Exhibit B (Amicus Law Professors)
131.	26-Oct-2023	FILED: Proposed Order - Motion to Associate; Certificate of Service (Amicus Law Professors)
132.	26-Oct-2023	FILED: Motion for Recusal; Certificate of Service (Appellant Planned Parenthood)
133.	27-Oct-2023	<p>Adriane Hofmeyr, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Orlando Economos and Benjamin Seel be allowed to appear in the above-referenced matter and the appropriate application and related materials having been submitted for each and found to be in compliance with Rule 39(a), Rules of the Supreme Court,</p> <p>IT IS ORDERED granting the Motion and authorizing Orlando Economos and Benjamin Seel to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)</p>
134.	1-Nov-2023	FILED: American College of Obstetricians and Gynecologists, American Medical Association, Arizona Medical Association, and Society for Maternal-Fetal Medicine's Motion to Associate Counsel Pro Hac Vice (Amici American College of Obstetricians and Gynecologists, et al.)
135.	1-Nov-2023	FILED: [Proposed] Order Granting Amici Curiae's Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Amici American College of Obstetricians and Gynecologists, et al.)
136.	2-Nov-2023	<p>Christopher D. Thomas, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Nicole Saharsky be allowed to appear in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,</p> <p>IT IS ORDERED granting the Motion and authorizing Nicole Saharsky to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)</p>
137.	14-Nov-2023	FILED: Pima County Attorney, Laura Conover's Motion to Replace Oral Argument Attorney; Certificate of Service (Appellant Conover)

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138. 16-Nov-2023 On November 14, 2023, Appellant filed "Pima County Attorney, Laura Conover's Motion to Replace Oral Argument Attorney."
IT IS ORDERED granting the motion. The Court will replace Appellant's arguing attorney with Samuel E. Brown for Oral Argument being held on December 12, 2023. (Hon. Robert Brutinel)
139. 16-Nov-2023 FILED: Attorney General's Stipulated Motion for Procedural Order: to Enlarge Oral Argument Time; Certificate of Service (Appellee Attorney General)

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140. 22-Nov-2023 On October 26, 2023, Plaintiff-Appellant Planned Parenthood Arizona, Inc. ("Appellant") filed a "Motion for Recusal," pursuant to Arizona Rule of Civil Procedure 6(a)(1) and Rules of the Arizona Code of Judicial Conduct 1.2 and 2.11(A)(1). Although Rule 6(a)(1) provides that "[a] party may apply for an order or other relief by filing a motion," it is not a substantive rule for the disqualification or recusal of a judicial officer. Compare Ariz. R. Civ. App. P Rule 6(a)(1) with Ariz. R. Civ. P. 42.2; Ariz. R. Crim. P. 10.1; and A.R.S. § 12-409. Regardless, Appellant has raised concerns that call for a careful review and analysis of the cited Rules of Judicial Conduct.

I.

Appellant's argument "rests exclusively on" statements made six and eight years ago, respectively. The first statement set forth in Appellant's motion is from a Facebook post in 2017: "Planned Parenthood is responsible for the greatest generational genocide known to man." Howard Fischer, Arizona Justice: 'Genocide' Comment Irrelevant to Hearing Abortion Case, Ariz. Daily Star (Oct. 23, 2023). A story from 2019 providing a screenshot of the Facebook post is also cited. Meg O'Connor, Bill Montgomery in '17: Planned Parenthood Caused 'Genocide,' Phoenix New Times (Sep. 19, 2019). The second statement dates from 2015: "The profit-driven atrocities must end." Alex N. D'Angelo, Supporters, Opponents Rally at Planned Parenthood Sites in Arizona, U.S., Ariz. Republic (Aug. 22, 2015). Appellant concludes that "reasonable minds" would perceive each statement as "reflecting adversely on [Justice Montgomery's] impartiality in a case where [Appellant] is a party" and that recusal is required under Rules 1.2 and 2.11(A)(1).

A. Rule 1.2

Rule 1.2 provides that "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Appellant further cites to Comment 5 to Rule 1.2:

The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. An appearance of impropriety does not exist merely because a judge has previously rendered a decision on a similar issue, has a general opinion about a legal matter that relates to the case before him or her, or may have personal views that are not in harmony with the views or objectives of either party.

Of course, when each of the statements were made in 2015 and 2017, I was not a member of the judiciary nor was I a candidate for judicial office. Therefore, the Code of Judicial Conduct did not apply, including Rule 1.2.

B. Rule 2.11(A)(1)

Rule 2.11(A)(1) provides:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

Appellant concludes that "reasonable minds" would perceive "the two statements "as reflecting adversely on his impartiality in a case where [Appellant] is a party." But that is not the standard for recusal under Rule 2.11(A)(1). Instead, the standard is "whether an objective, disinterested observer fully informed of the facts underlying the grounds on which recusal was sought . . . would entertain a significant doubt that justice would be done in the case." *Pepsico, Inc. v. McMillan*, 764 F.2d 458, 460 (7th Cir. 1985).

The Arizona Supreme Court Judicial Ethics Advisory Committee discussed this standard in Advisory Opinion 96-14 (Nov. 21, 1996):

Canon 3E(1) requires that "a judge disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned." There is both a subjective and objective component to this requirement. If a judge believes that he or she cannot act fairly, disqualification is required. The more difficult assessment is the objective one, whether one external to the case might reasonably question the judge's impartiality. Understandably, judges tend to err on the side of safety and to judge the reasonableness of questioned impartiality from the standpoint of the most darkly suspicious member of the public. That is not the test. Rather, it is "whether an objective, disinterested observer fully informed of the facts underlying the grounds on which recusal was sought . . . would entertain a significant doubt that justice would be done in the case." *Pepsico, Inc. v. McMillan*, 764 F.2d 458, 460 (7th Cir. 1985).

See also Advisory Opinion 98-02 (Mar. 24, 1998) ("[T]he test is whether an objective, disinterested, fully informed observer would reasonably question the impartiality of the judge.").

II.

With respect to the subjective part of the test, I firmly believe that I can be fair and impartial consistent with my oath of office in determining the issues in this matter based on the law and the facts and without regard to who the parties are, including Appellant. Nevertheless, with respect to the objective standard, "the judge's actual state of mind, purity of heart, incorruptibility, or lack of partiality are not the issue." *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995).

Important to determining whether Rule 2.11(A)(1) requires recusal is the need for the "objective, disinterested observer [to be] fully informed of the facts underlying the grounds on which recusal is sought." The inquiry is "made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances." *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000). The facts are "as they existed, and not as they were surmised or reported." *Cheney v. U.S. Dist. Court for Dist. of Columbia*, 541 U.S. 913 (2004). And they include "all of the facts known to the judge." E. Wayne Thode, *The Code of Judicial Conduct? The First Five Years in the Courts*, 1977 UTAH L. REV. 395, 402.

A. Statements

1. 2015 Statement and surrounding facts and circumstances

The context for the statement relied on in Appellant's motion arose from reporting concerning the sale of body parts from abortion procedures. Similar events occurred across the valley and around the country. The remarks to the media specifically focused on a call for Congress to end federal funding of Planned Parenthood. I made no allegations as to Appellant's specific facilities nor did I call for investigating or prosecuting Appellant criminally or civilly.

2. 2017 Statement

It is apparent from the screenshot in Appellant's motion and from the September 19, 2019, story that the 2017 statement dates from a February 28, 2017, Facebook post. The post shared a video of interviews with Planned Parenthood employees

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addressing the use of sales goals to increase the number of abortions performed by Planned Parenthood facilities. No specific mention is made in the video or in the post of Appellant's facilities in Arizona. The post containing the statement—and the Facebook page itself—does not relate to prosecution. The assertion that the statement was made by me “as a prosecutor” is misleading at best.

B. Additional Facts And Circumstances

1. Records review

Around mid-2015, individuals responsible for cleaning building space vacated by Appellant came across several dozen boxes of materials. Concerned that the boxes may contain medical records of patients, the individuals tried to turn them in to local law enforcement, which declined to accept the boxes. The individuals then brought them to the Maricopa County Attorney's Office (“MCAO”). I authorized receipt of the boxes and directed that they be secured. I thereafter engaged a local law firm to review the boxes to determine what the records consisted of, whether there was evidence of any criminal, civil, or administrative wrongdoing, and assess any ethical issues that would preclude MCAO from conducting a criminal review of the records, if warranted.

The review finished in early 2016 and concluded that the boxes contained some lists of donors and records of contributions but no medical records of any patients or any other significant materials. There was no evidence of any wrongdoing. After the review was complete, I directed that the boxes be disposed of to protect any personal information that might have been contained within the donor records. And to reiterate the point, there was no evidence of any wrongdoing.

Until addressing Appellant's motion required it, I never made any information regarding the finding of the boxes or the review of the records public. In fact, I specifically provided direction that MCAO would not treat the boxes as “evidence” or characterize the review as a criminal investigation unless and until a determination had first been made as to the nature of what was found. The purpose for taking this approach was to avoid creating public records that could be used to insinuate or suggest Appellant had engaged in any criminal activity. That the records could easily have been used for political gain during 2016 or otherwise used to the detriment of Appellant was never discussed or contemplated. Appellant was treated fairly and impartially.

2. Issue presented in present case

The legal issue currently before the Court concerns whether the Arizona Legislature repealed or otherwise limited A.R.S. § 13-3603, enacted in 1971 as § 13-211, by later enacting SB 1164. Thus, the present legal issue addresses two sequential acts of the legislature. I have offered no public comment whatsoever on either the 1971 or 2022 statutes. Additionally, I have made no public comment regarding Appellant or about any political issue during my tenure on the Court.

3. Judicial independence

As set forth in *United States v. Greenough*, 782 F.2d 1556, 1558 (11th Cir. 1986), there are two distinct policies involved in the determination of whether a judge's impartiality might reasonably be questioned:

The first is that courts must not only be, but must seem to be, free of bias or prejudice A second policy is that a judge, having been assigned to a case, should not recuse himself on unsupported, irrational, or highly tenuous speculation. If this occurred the price of maintaining the purity of the appearance of justice would be the power of litigants or third parties to exercise a veto over the assignment of judges.

See also Timothy J. Goodson, *Duck, Duck, Goose: Hunting for Better Recusal Practices in the United States Supreme Court in Light of Cheney v. United States District Court*, 84 N.C. L. Rev. 181, 189–90 (2005) (“A judge whose participation is subject to unjustified removal by the parties or the press cannot be said to be neutral.”).

With respect to the first policy, it is important to recognize that:

Unlike their counterparts in the political branches, judges are expected to refrain from catering to particular constituencies or committing themselves on controversial issues in advance of adversarial presentation. Their mission is to decide “individual cases and controversies” on individual records, *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 266 . . . (1995) (STEVENS, J., dissenting), neutrally applying legal principles, and, when necessary, “stand[ing] up to what is generally supreme in a democracy: the popular will,” *Scalia, The Rule of Law as a Law of Rules*, 56 U. Chi. L. Rev. 1175, 1180 (1989).

Republican Party of Minnesota v. White, 536 U.S. 765, 803–04 (2002) (Ginsburg, J. dissenting); see also Rule of Judicial Conduct 2.4 (prohibiting a judge from being “swayed by partisan interests, public clamor, or fear of criticism” and precluding influence on a judge's conduct or judgment by “family, social, political, financial, or other interests or relationships”).

Related to the second policy is the fact that, although this Court has a process by which a judge of the court of appeals may sit in the stead of a Justice who recuses from a case, it is otherwise my duty to serve in the office I was appointed to by the Governor of Arizona and retained by the people of Arizona. *Moore v. United States*, No. 22-800, 2023 WL 5807533 (U.S. Sept. 8, 2023) (concluding that “when there is no sound reason for a Justice to recuse, the Justice has a duty to sit”); *Perry v. Schwarzenegger*, 630 F.3d 909, 916 (9th Cir. 2011) (“It is, indeed, important that judges be and appear to be impartial. It is also important, however, that judges not recuse themselves unless required to do so, or it would be too easy for those who seek judges favorable to their case to disqualify those that they perceive to be unsympathetic merely by publicly questioning their impartiality.”).

III.

The statements exclusively relied on by Appellant are remote in time while I was not a member of the judiciary and there is no evidence since I took office as a Justice on the Arizona Supreme Court of any bias towards Appellant. See *Racetrack Supermarket, LLC v. Mayor*, 459 N.J.Super. 197, 209–12 (2018) (reviewing the proximity in time of statements relied on as evidence of a personal bias and considering “the presence or absence of evidence of a continuous bias as an important, but not determinative, factor to be considered in assessing whether a reasonable, fully-informed person would have doubts about the judge's impartiality”). When faced with a circumstance directly involving Appellant and the fair and impartial administration of justice, I acted without any bias or prejudice. *Melendres v. Arpaio*, CV-07-2513-PHX-MHM, 2009 WL 2132693, at *8 (D. Ariz. July 15, 2009) (discussing previous favorable treatment of party in considering motion for recusal); *Mayor*, 459 N.J.Super. at 213 (observing that “[w]here, as here, a judge's recusal is sought due to an appearance of impropriety based on claims of personal bias, it is also reasonable to examine and consider, where available, any prior history of actual dealings between the parties”). And I have made no statements concerning the matter before us. Lastly, “a blast of largely inaccurate and uninformed opinion cannot determine the recusal question.” *Cheney*, 541 US at 924. “Although public confidence may be as much shaken by publicized inferences of bias that are false as by those that are true, a judge considering whether to disqualify himself must ignore rumors, innuendos, and erroneous information published as fact in the newspapers.” *In re United States*, 666 F.2d 690, 695 (1st Cir. 1981).

Given all the foregoing, an objective, disinterested observer would not entertain a significant doubt that justice will be done in this case. Recusal is not warranted. Therefore,

IT IS ORDERED that the Motion for Recusal is denied. (Hon William G Montgomery)

Arizona Supreme Court
Civil Petition for Review - Appeal

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PLANNED PARENTHOOD et al v KRISTIN MAYES/HAZELRIGG

141. 30-Nov-2023 On November 22, 2023, I denied Appellant Planned Parenthood Arizona Inc's "Motion for Recusal" having determined that "an objective, disinterested observer would not entertain a significant doubt that justice will be done in this case." Judicial Ethics Advisory Committee Advisory Opinion 96-14 (Nov. 21, 1996). Regardless, there exists a continuing duty for a judicial officer to consider whether recusal may be necessary should a circumstance arise, "including but not limited to the . . . circumstances" set forth at Arizona Rule of Judicial Conduct 2.11(A). Subsequent to the November 22 Order, additional information related to the parties and respective counsel has come to my attention warranting that I recuse myself from any further deliberations in this matter.
IT IS SO ORDERED. (Hon. William G. Montgomery)
142. 4-Dec-2023 On November 16, 2023, Appellees filed "Attorney General's Stipulated Motion for Procedural Order: to Enlarge Oral Argument Time." After consideration,

IT IS ORDERED granting the motion. This matter is scheduled for oral argument on December 12, 2023, at 10:15 a.m. The parties are advised that Appellants/Appellee will have 30 minutes for argument and Intervenors will have 30 minutes, for a total of 60 minutes. (Hon. Robert Brutinel)
143. 6-Dec-2023 On the Court's own motion,

IT IS ORDERED the Oral Argument currently set for Tuesday, December 12, 2023 at 10:15 a.m., has been rescheduled to 9:30 a.m. As previously ordered by this court, Appellants/Appellee will have 30 minutes for argument and Intervenors will have 30 minutes, for a total of 60 minutes. (Hon. Robert Brutinel)
144. 8-Dec-2023 FILED: Motion to Associate Counsel; Certificate of Service (Amicus Arizona Life Coalition/Frederick Douglass Foundation/ NHCLC)
145. 8-Dec-2023 FILED: (Proposed) Order Re: Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Amicus Arizona Life Coalition/Frederick Douglass Foundation/ NHCLC)
146. 11-Dec-2023 Timothy D. Ducar, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Mathew D. Staver be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,

IT IS ORDERED granting the Motion and authorizing Mathew D. Staver to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)
147. 12-Dec-2023 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Jacob Paul Warner, D, Andrew Gaona, Joshua D. Bendor, Samuel E. Brown)
148. 9-Apr-2024 OPINION - We affirm the trial court's judgment vacating the injunction of § 13-3603, vacate the court of appeals' opinion and stay of enforcement of § 13-3603, and remand to the trial court for potential consideration of the remaining constitutional challenges to § 13-3603 alleged in Planned Parenthood's complaint for declaratory relief. Although we lift the stay on enforcement of § 13-3603, we do so with two caveats. First, § 13-3603 may be enforced prospectively only. Second, we stay enforcement of § 13-3603 for fourteen calendar days from the filing date of this Opinion to permit the parties, on remand, to determine whether to pursue remaining issues raised in the trial court and, if so, to request further stay relief at the trial court's discretion. (Hon. John R Lopez IV - Author; Hon. Clint Bolick - Concur; Hon James P Beene - Concur; Hon. Kathryn H. King - Concur; Hon. Ann A. Scott Timmer - Dissent; Hon. Robert Brutinel - Concur in the Dissent)