

SUPREME COURT OF ARIZONA

PLANNED PARENTHOOD ARIZONA,
INC., et al.,

Plaintiffs/ Appellants,

v.

KRISTIN K. MAYES, Attorney General of the
State of Arizona, et al.,

Defendants/ Appellees,

and

ERIC HAZELRIGG, M.D., as guardian ad
litem of all Arizona unborn infants, et al.,

Intervenors/ Appellees.

Arizona Supreme Court
No. CV-23-0005-PR

Court of Appeals
Division Two
No. 2 CA-CV 22-0116

Pima County
Superior Court
No. C127867

**ATTORNEY GENERAL'S MOTION TO STAY ISSUANCE OF
MANDATE**

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In accordance with ARCAP 24(d)(1)(A), Defendant/Appellee Attorney General Mayes respectfully requests that the Court stay issuance of the mandate for 90 days to permit the Attorney General time to evaluate and potentially file a petition for a writ of certiorari in the United States Supreme Court.

ARCAP 24(d)(1) and (2) authorize a party to “request an appellate court to stay issuance of the mandate” for up to 90 days, “pending application to the United States Supreme Court for a writ of certiorari.” A party seeking to stay the mandate’s issuance in this Court must do so “within 15 days after the Court enters an opinion, memorandum decision, or order denying a motion for reconsideration.” ARCAP 24(d)(1)(A).

This Court denied the Attorney General’s motion for reconsideration on April 26, 2024. The request to stay issuance of the mandate is therefore timely.

Although requests to stay issuance of the mandate under ARCAP 24(d) are routine and the rule does not require a party to demonstrate good cause for a request to stay issuance of the mandate, good cause exists here. Specifically, the Attorney General requests a 90-day stay of the issuance of the mandate to permit her Office to evaluate and, if deemed appropriate,

prepare and file a petition for a writ of certiorari with the United States Supreme Court. The Attorney General believes that the Opinion's reliance on a statute that a federal court has enjoined as unconstitutionally vague raises serious federal questions under the Due Process and Supremacy Clauses. Thoroughly evaluating the merits of a petition on those grounds and assessing the various interests implicated by constitutional litigation involving the State government will take time, however. So, too, will preparing the petition if the Office elects to proceed with the application.

Accordingly, the Attorney General respectfully requests that the Court stay issuance of the mandate for 90 days. If the Attorney General determines that her Office will not pursue a certiorari petition in the United States Supreme Court before the expiration of 90 days, she will so advise the Court. If the Attorney General files a certiorari petition, she will notify the appellate clerk pursuant to ARCAP 24(d)(2).

RESPECTFULLY SUBMITTED this 30th day of April, 2024.

KRISTIN K. MAYES, ARIZONA
ATTORNEY GENERAL

By /s/ Joshua D. Bendor

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