

SUPREME COURT OF ARIZONA

CRAIG BECKMAN, a qualified elector,

Appellant,

v.

HUGH LYTLE, No Labels Party / Arizona  
Independent Party candidate for Arizona  
Governor, et al.,

Appellees.

Arizona Supreme Court  
No. CV-26-0124-AP/EL

Maricopa County  
Superior Court  
No. CV2026-014149

**DEFENDANT/APPELLEE HUGH LYTLE'S ANSWERING BRIEF**

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## INTRODUCTION

Hugh Lytle is a first-time candidate for statewide office whose nomination documents list a private mailbox address in the same Arizona city where he resides. On these facts, no voter could be confused or misled about whether Mr. Lytle resides in the jurisdiction he seeks to represent as Governor: the State of Arizona. Indeed, all agree that Mr. Lytle satisfies the residency requirements for the office he seeks. Under these circumstances, the superior court correctly concluded that Mr. Lytle's nomination papers and petitions substantially comply with A.R.S. §§ 16-311 and -314. This Court should affirm and reject Plaintiff's implicit request to require strict compliance for nomination documents, contrary to decades of Arizona law.

## BACKGROUND

a. Hugh Lytle seeks his party's nomination for Governor. [APP033 ¶ 1.] Mr. Lytle's nomination paper lists "6929 N Hayden Rd Suite C4-616 Scottsdale AZ 85250" as his address; his nomination petitions list the same address (off by one digit, which no one says matters). [APP033-34 ¶¶ 2, 15.] The listed address is a private mailbox in a UPS Store. [*Id.* ¶ 3.] Mr. Lytle has received mail there for approximately 12 years. [*Id.* ¶ 4.] And since the

inception of his campaign, his campaign website has shown that mailbox as the campaign's address. [*Id.* ¶ 5.]

Mr. Lytle resides at a different address in Scottsdale. [APP033-34 ¶¶ 10, 18.] He is a candidate for statewide office: Governor. [APP033 ¶¶ 1, 14.] Plaintiff concedes that Mr. Lytle meets the residency requirements to run for Governor. [APP069.]

**b.** Plaintiff challenges Mr. Lytle's nomination documents. He claims Mr. Lytle's nomination papers do not comply with § 16-311, and his nomination petitions do not comply with § 16-314, because they list his private mailbox instead of his residential address. [APP005-09 ¶¶ 13-37.] Plaintiff seeks to remove Mr. Lytle from the ballot based on these technical errors. [APP007-09 ¶¶ 26, 37 & Relief Requested, B-C.]

**c.** The parties filed cross-motions for summary judgment and stipulated facts, and the superior court concluded Mr. Lytle was "entitled to judgment as a matter of law." [APP067.]

Regarding Mr. Lytle's nomination papers, the court noted that "Mr. Lytle did not strictly comply with the literal requirements of A.R.S. § 16-311(A)." [APP068.] "But strict compliance is not the operative test." [APP069.] Substantial compliance is. [*Id.*] And "[t]he relevant inquiry ... is

**whether the address used on the paper could confuse or misle[a]d electors concerning the candidate’s eligibility for the office sought.” [Id.]**

Applying these standards, the court “[found] that the address used in the nomination papers would not confuse, nor mislead electors concerning Mr. Lytle’s eligibility to run for Governor.” [APP069.] “Mr. Lytle is running for statewide office.” [Id.] Both his private mailbox and home are in Scottsdale. [Id.] “There is no dispute that Mr. Lytle has been an Arizona resident for many years, that he resides in Maricopa County, and that he satisfies the constitutional and statutory residency requirements for Governor.” [Id.] So “[t]he purpose ... for the statutory address requirement – ensuring that the candidate resides in the jurisdiction he seeks to represent – is fulfilled here.” [Id.] And, “[v]iewing the nomination paper as a whole,” the court “conclude[d] that it substantially complied with A.R.S. § 16-311(A).” [APP070.]

The court reached the same result for the same reasons regarding Mr. Lytle’s nomination petitions. [APP070.] “Mr. Lytle [seeks] statewide office,” and the address on the petitions and his home address are both in Scottsdale. [Id.] “Considering the petitions as a whole ... the [c]ourt

conclude[d] that the petitions substantially complied with A.R.S. § 16-314(C).” [Id.]

The court therefore entered judgment for Mr. Lytle and against Plaintiff. [APP070–71.] This appeal followed.

### STATEMENT OF THE ISSUES

1. Did the trial court correctly conclude that Mr. Lytle’s nomination papers substantially complied with § 16-311?

2. Did the trial court correctly conclude that Mr. Lytle’s nomination petitions substantially complied with § 16-314?

### STANDARD OF REVIEW

This Court “review[s] whether nomination documents substantially complied with statutory requirements de novo.” *Lohr v. Bolick*, 249 Ariz. 428, 431, ¶ 8 (2020).

Under this “well-settled” standard, the Court “do[es] not remove candidates from the ballot for mere technical departures’ from the statutorily required forms.” *Dedolph v. McDermott*, 230 Ariz. 130, 131, ¶ 3 (2012) (quoting *Bee v. Day*, 218 Ariz. 505, 507, ¶¶ 9–10 (2008)). Rather, “[r]especting the electors’ right to nominate legitimate candidates, [the Court] assess[es] whether nominating papers substantially comply with the statutory

requirements.” *Id.* “This Court considers whether nomination documents substantially complied with statutory requirements even if the statute at issue does not expressly state substantial compliance is sufficient.” *Lohr*, 249 Ariz. at 431, ¶ 8. And it views the nomination paper or petition “as a whole.” *Dedolph*, 230 Ariz. at 133, ¶ 17 (paper); *Bee*, 218 Ariz. at 508, ¶ 12 (petition).

“In determining whether a nomination petition form substantially complies with the statutory requirements, this court has focused on whether the omission of information could confuse or mislead electors signing the petition.” *Moreno v. Jones*, 213 Ariz. 94, 102, ¶ 42 (2006). “Because the statute allows a measure of inconsistency by only requiring substantial compliance, no mere irregularity can be considered, unless it be shown that the result has been affected by such irregularity.” *Id.* (quotations and citations omitted).

## ARGUMENT

### **I. The superior court correctly concluded that Mr. Lytle’s nomination papers substantially comply with § 16-311.**

Section 16-311(A) requires a “person desiring to become a candidate at a primary election for a political party” to file “a nomination paper” that, among numerous other requirements,

giv[es] the person’s actual residence address or, if the person does not have an actual residence address, a description of place

of residence and post office address, or, if the person's actual residence address is protected pursuant to § 16-153, a post office box or private mailbox address in the candidate's district or precinct, as applicable for a district or precinct office ....

Here, Plaintiff claims Mr. Lytle's nomination paper is invalid because it lists the address of Mr. Lytle's longtime private mailbox rather than his home address. Plaintiff is wrong. The use of Mr. Lytle's private mailbox on his nomination paper substantially complies with § 16-311(A). [APP069-70.]

"[T]he purpose of the statutory address requirement ... is to ensure that a candidate 'reside[s] in the county, district or precinct that the person proposes to represent.'" *Lohr*, 249 Ariz. at 432, ¶ 12 (quoting § 16-311(A)); accord *Brantner-Smith v. Holt*, No. CV-24-0177-AP/EL, 2024 WL 3994932, at \*1 (Ariz. Aug. 27, 2024) ("The purpose of the statutory address requirement is to ensure that a candidate resides in the district he or she is seeking to represent."). Following this Court's precedents, the trial court explained that "[t]he relevant inquiry ... **is whether the address used on the paper could confuse or misle[a]d electors concerning the candidate's eligibility for the office sought.**" [APP069 (citing *Lohr*, 249 Ariz. at 432-33, ¶¶ 11-12; *Moreno*, 213 Ariz. at 102, ¶ 42).]

Applying that rule, this Court consistently has held that candidates substantially comply with § 16-311(A)'s address requirement by listing an address within the same jurisdiction they seek to represent. In *Lohr*, the Court noted that a candidate “did not strictly comply with the requirements of § 16-311(A) ... by listing a private mailbox in a UPS store, and not her physical residence.” 249 Ariz. at 431, ¶ 10. Nonetheless, she “substantially complied with the statutory nomination paper requirement.” *Id.* The candidate’s “use of a private mailbox at a UPS store,” the Court explained, “was unlikely to have misled or confused voters about her eligibility to run as a resident of Legislative District 20 because [her] residence is in the same state, county, legislative district, municipality, and zip code as the UPS store.” *Id.* at 432, ¶ 12. The nomination form substantially complied because it still “fulfill[ed] the purpose of the statutory address requirement” by ensuring the candidate resided in the jurisdiction she sought to represent. *Id.*

The Court’s decision order in *Brantner-Smith* is similarly instructive. There, the plaintiff argued a Marana school board candidate failed to “list his ‘actual residence address’ at the top of each of the nominating petition sheets that he circulated and filed, as required by A.R.S. §§ 16-311 and -314, and challenged all [the candidate’s] qualifying signatures on that basis.”

*Brantner-Smith*, 2024 WL 3994932, at \*1. The candidate’s “petition sheets listed the address” where he lived “at the time he filed his statement of interest pursuant to A.R.S. § 16-311(H).” *Id.* The next month, however, the candidate moved to a different address. And “[t]he nomination petition sheets that were circulated, and later filed,” all listed the candidate’s prior address. *Id.*

Even so, the Court had no trouble concluding that the candidate substantially complied with the statutory address requirement. Citing *Lohr*, the Court reiterated that “[t]he purpose of the statutory address requirement is to ensure that a candidate resides in the district he or she is seeking to represent.” *Id.* The candidate’s use of an address where he didn’t live posed no issue because “[i]t is undisputed that [the candidate] has, at all relevant times, resided within the geographic boundaries of the” school district he sought to represent. *Id.*

*Lohr* and *Brantner-Smith* confirm that Mr. Lytle’s nomination paper substantially complies with § 16-311(A). Plaintiff challenges the nomination paper solely because it lists the address for Mr. Lytle’s private mailbox at a UPS store rather than his home address. [APP006-07 ¶¶ 17-22; APP033 ¶ 3.] But “[t]here is no dispute that Mr. Lytle has been an Arizona resident for

many years, that he resides in Maricopa County, and that he satisfies the constitutional and statutory residency requirements for Governor.” [APP069.] Mr. Lytle’s mailbox is in the same state (Arizona), county (Maricopa), and city (Scottsdale) as his residence. [APP033–34 ¶¶ 3, 10, 18; APP069.] And dispositively, it is within the jurisdiction that Mr. Lytle seeks to represent as Governor: the State of Arizona. [APP033 ¶¶ 1, 3; APP069.] Under this Court’s clear, binding precedent, the trial court correctly concluded that “the address used in the nomination papers would not confuse, nor mislead electors concerning Mr. Lytle’s eligibility to run for Governor.” [APP069.]

And Plaintiff never truly grapples with this notion of confusion. In what relevant sense would Mr. Lytle’s living in one part of Scottsdale be likely to “confuse” electors who thought he lived in another part of Scottsdale? None, because Mr. Lytle qualifies for statewide office under either address.

**II. The superior court correctly concluded that Mr. Lytle’s petitions substantially comply with § 16-314.**

For the same reasons, Mr. Lytle’s nomination petitions substantially comply with § 16-314(C). [APP070.] That statute requires that a partisan

nomination petition be “substantially” in a form that says where the candidate “resides,” with exceptions for a candidate who “does not have an actual residence address” or whose “actual residence address is protected pursuant to § 16-153.” A.R.S. § 16-314(C).

Again, this Court’s caselaw compelled the trial court’s decision: “Arizona law holds that a candidate may substantially comply with A.R.S. § 16-314(C) even when the petition sheets list a private mailbox rather than the candidate’s physical residence, so long as the use of that address does not mislead or confuse voters regarding the candidate’s eligibility for the office sought.” [APP070 (citing *Lohr*, 249 Ariz. at 432-33, ¶¶ 14-19).] And as with § 16-311(A), the Court consistently has found that petitions *do* substantially comply with § 16-314(C) under those circumstances.

Again, the leading case is *Lohr*. As noted, that candidate’s nominating petitions listed a private mailbox “in the same legislative district and zip code as” her residential address. *Lohr*, 249 Ariz. at 433, ¶ 19. As with her nomination paper, the Court held that the candidate’s petitions substantially complied with § 16-314(C). *Id.* The Court reasoned that the “nomination petition sheets were unlikely to cause confusion or mislead electors as to

whether she lives in and is a qualified elector in District 20, the District from which [she] is running for office.” *Id.*

*Brantner-Smith* reached the same conclusion. There too, the candidate’s nominating petitions listed an address that was not his actual residential address. *Brantner-Smith*, 2024 WL 3994932, at \*1. But the Court determined that the petitions substantially complied with the statute, because (again) there was no dispute that the candidate had, “at all relevant times, resided within the geographic boundaries of the” district he sought “to represent,” and so the purpose of the statutory requirement was satisfied. *Id.*

Two of the Court’s earlier decisions similarly focused on whether petitions indicated that the candidate resided in the jurisdiction he sought to represent. First, in *Baker v. Saban*, No. CV-16-0140-AP/EL, a candidate for Maricopa County Sheriff listed a UPS store as his residential address on his nomination petition and thus failed to strictly comply with § 16-314(C). [APP060.] Nevertheless, the Court held that he substantially complied with the statute: “by providing accurate information as to the city, county, state, and zip code matching those of his actual physical residence, his petition sheets were unlikely to cause confusion or to mislead electors as to whether

Saban lived in Maricopa County, *the jurisdiction within which he seeks to be nominated to elected office.*” *Id.* (emphasis added).

Second, in *Querard v. Kouns*, No. CV-16-0141-AP/EL, a candidate for state representative provided an incomplete address on his nomination petitions and thus did not strictly comply with § 16-314(C). [APP065.] Still, the candidate substantially complied with the statutes, because his incomplete address “was not, in this case, likely to cause confusion or to mislead electors ... given that there is no contention that Aquila, Arizona is located outside the boundaries of Legislative District 13.” [*Id.*] As in *Baker*, *Brantner-Smith*, and *Lohr*, the Court reasoned that the address the candidate provided was in the same political subdivision he sought to represent and was therefore unlikely to mislead or confuse electors. [*See id.*; APP060; *Brantner-Smith*, 2024 WL 3994932, at \*1; *Lohr*, 249 Ariz. at 433, ¶ 19.]

Applying these principles here yields the same conclusion. Again, Mr. Lytle’s nominating petitions listed the address for a private mailbox that is located in the same city and county as his residence. [APP033–34 ¶¶ 3, 10, 18; *see* APP070.] He “[seeks] statewide office,” and the mailbox is within the boundaries of the jurisdiction he seeks to represent. [APP070; APP033 ¶¶ 1, 14.] There is no dispute that Mr. Lytle lives in Arizona and meets the

residency requirements to be Governor. [See APP069–70.] So under *Lohr*, *Brantner-Smith*, *Baker*, and *Querard*, no electors were likely to be confused or misled about Mr. Lytle’s eligibility for the office he seeks. See *Lohr*, 249 Ariz. at 433, ¶ 19; *Brantner-Smith*, 2024 WL 3994932, at \*1; [APP060 (*Baker*); APP065 (*Querard*)].

Mr. Lytle’s petitions substantially comply with § 16-314. [APP070.]

### **III. Plaintiff’s contrary arguments fail.**

a. Plaintiff first argues (at 6–10) Mr. Lytle’s nomination documents do not comply with the literal requirements of §§ 16-311 and 16-314. But nomination paperwork need not strictly comply with statutory requirements; instead, “[t]his Court evaluates nomination documents ... under a substantial compliance analysis unless there is a ‘clear statement that the legislature intended a particular form requirement to be indispensable.’” *Lohr*, 249 Ariz. at 432, ¶ 8 (quoting *Bee*, 218 Ariz. at 506, ¶ 10). No such statement exists in § 16-311(A) or -314(C). The Legislature knows how to require strict compliance when it wants to. See §§ 19-101.01 & -102.01. It has not done so here.

b. Turning to the applicable standard, Plaintiff insists (at 11-19) Mr. Lytle's nomination paperwork does not even substantially comply with the applicable statutes. Plaintiff is wrong again.

(i) To begin, Plaintiff focuses (at 13) on the fact that Mr. Lytle used a private mailbox address even though his address was not protected under § 16-153. Plaintiff attempts (at 12-13) to distinguish *Lohr* on that basis, because there the candidate's address was protected under § 16-153. When *Lohr* was decided, however, *no* statute allowed the candidate to withhold her residential address on nomination documents and use a private mailbox instead. 249 Ariz. at 432, ¶ 13 & n.2. Yet the Court found she substantially complied anyway.

Plaintiff (at 13) notes that, after *Lohr*, the Legislature amended §§ 16-311(A) and -314(C) to allow candidates to use a "post office box or private mailbox address" if their "actual residence address is protected pursuant to § 16-153." Plaintiff suggests (at 13) this change means the Legislature strictly forbade candidates whose addresses aren't protected under § 16-153 from using a private mailbox on nomination documents. But again, nothing in § 16-311(A) or -314(C) suggests the Legislature intended to require strict compliance with those statutes, much less with the specific provisions

concerning private mailboxes. In *Brantner-Smith*, decided after the amendments, the Court applied substantial compliance. 2024 WL 3994932, at \*1.

And if anything, the post-*Lohr* amendments confirm that the purpose of the address requirements is to ensure candidates reside in the jurisdiction they seek to represent: as amended, the statutes allow someone whose address is protected to use “a post office box or private mailbox address in the candidate’s district or precinct, *as applicable for a district or precinct office*,” § 16-311(A) (emphasis added), or “a post office box or private mailbox address *in the candidate’s political division or district from which the nomination is sought*,” § 16-314(C). That purpose is satisfied here, because the address on Mr. Lytle’s nomination paperwork is in the same Arizona city where he resides and all agree “that he satisfies the constitutional and statutory residency requirements” for the statewide office he seeks. [APP069; *see* APP070.]

(ii) Next, Plaintiff tries (at 14–16) to distinguish *Lohr* and *Brantner-Smith* by arguing the candidates there had “good-faith” reasons for not using their actual residence addresses and Mr. Lytle does not. But neither *Lohr* nor *Brantner-Smith* applied a “good faith” standard. Instead, the Court looked

for record evidence that the candidates intended to mislead voters and found none. No such evidence exists here either.

In *Lohr*, the candidate “relied, erroneously, on the court order restricting public access to her address in specified public records” and “had previously run ... using that same address without legal challenge,” but there was “no evidence to suggest she had prior knowledge of the error or intended to violate the statute.” 249 Ariz. at 432, ¶ 13. As for *Brantner-Smith*, Plaintiff (at 14) claims the candidate “mistakenly” used a former address on nomination documents. But the decision doesn’t say the candidate made a mistake. Instead, “the record d[id] not demonstrate that [the candidate] used the [former] address to mislead voters,” because he listed that same “address when he filed his statement of interest, and maintained consistency by using the same address during his signature collection period.” 2024 WL 3994932, at \*1.

Here, too, there is no evidence that Mr. Lytle intended to mislead anyone or violate the law. Nonetheless, Plaintiff repeatedly and gratuitously accuses Mr. Lytle of intentional misconduct, claiming he “blatantly and deliberately disregarded” and “intentionally” and “willfully” violated the law (OB1, 11, 14, 15); “deliberately,” “knowingly and unjustifiably provided

a false residential address” (OB11, 2); made “purposeful misrepresentations” (OB14); “conceal[ed]” his home address (OB20), and so on. Given the gravity of those accusations, the Court might expect Plaintiff to back them up with evidence. He does not because there is no such evidence in the record. [See APP032–34.] And *Brantner-Smith, Lohr, and Baker* all show that intent to mislead cannot be inferred simply because a candidate did not use a current residential address.

Mr. Lytle’s nomination documents list a private mailbox address that he has used for approximately 12 years and that has appeared on his campaign website throughout his campaign. [APP033 ¶¶ 4–5.] As in *Brantner-Smith* and *Lohr*, and contrary to Plaintiff’s claim (at 15), this consistency just underscores the absence of any evidence that Mr. Lytle intended to mislead anyone.

(iii) Plaintiff next claims (at 16) Mr. Lytle’s use of his mailbox address “may have confused or misled voters.” But the superior court explained why it couldn’t. “The purpose ... for the statutory address requirement [is] ensuring that the candidate resides in the jurisdiction he seeks to represent” [APP069]—not, as Plaintiff contends (at 16), to “impose[]” a “substantial personal burden ... as a condition of seeking public office.” So “[t]he relevant

inquiry ... is whether the address used on the paper could confuse or misle[a]d electors **concerning the candidate's eligibility for the office sought.**" [APP069 (citing *Lohr*, 249 Ariz. at 432-33, ¶¶ 11-12) (emphasis modified).] Here, voters couldn't have been confused or misled about Mr. Lytle's eligibility for the statewide office he seeks because both the mailbox and his home are in Scottsdale, and no one disputes that he meets the residency requirements to be Governor. [APP069.]

Plaintiff argues (at 16-17) "Mr. Lytle's residential address could have made a difference to voters," first citing the constitutional requirement "that candidates be residents of the jurisdiction that they seek to represent." But again, everyone agrees that Mr. Lytle resides in Arizona – the jurisdiction he seeks to represent as Governor – and that both his home and mailbox addresses are in the same city, county, and state. Plaintiff (at 17) also cites *Triano v. Massion*, 109 Ariz. 506, 509 (1973), but that case deals with residency duration requirements designed to avoid "'carpet bagger' candidates." No such concerns exist here.

Plaintiff claims (at 17) the superior court "invert[ed] the voter confusion rule" by considering whether voter confusion *did* occur rather than whether it *could* occur. Plaintiff misreads the decision below. The court

repeatedly said the question is “whether the address used on the paper **could** confuse or misle[a]d electors concerning the candidate’s eligibility for the office sought.” [APP069 (emphasis modified); *id.* (under *Lohr*, “ballot access is not forfeited where the challenged address usage ... did not **likely** confuse or mislead electors” (emphasis added))]. On the stipulated facts, the court found nothing establishing voters could be confused or misled and, in any event, “no evidence ... that any elector was actually misled about [Mr. Lytle’s] identity, his candidacy, or his eligibility for Governor.” [APP069–70.]

(iv) Finally, unable to cite a single case in which the Court found noncompliance where a candidate listed an address in the jurisdiction he seeks to represent, Plaintiff (at 18) tries again to distinguish the Court’s four cases finding substantial compliance on similar facts. He argues that “[e]very relevant case relies on geographic alignment between the address provided and the candidate’s actual residence.” That exists here: the address on Mr. Lytle’s nomination documents is in the same city, county, and state as his residence. [APP033–34, ¶¶ 2, 10, 12, 15.]

Plaintiff notes (at 19) that Mr. Lytle’s mailbox and residence are in different legislative districts and zip codes. But that is irrelevant: Mr. Lytle

is not running for the legislature, and unlike legislative candidates, *see* Ariz. Const. art. IV, pt. 2, § 2; A.R.S. § 16-311(A), gubernatorial candidates need not reside in a particular county or legislative district, much less a particular zip code. Instead, the Governor must “have been ... for five years next preceding his election a citizen of Arizona.” Ariz. Const. art. V, § 2. Mr. Lytle satisfies this requirement. [APP069.] And nothing about the address on his nomination documents was likely to confuse or mislead anyone about his eligibility for the office he seeks.

Different facts could yield a different result. But the Court has always found substantial compliance where nomination documents list an address in the same jurisdiction the candidate seeks to represent, because voters are unlikely to be confused or misled about the candidate’s eligibility for office. *Lohr*, 249 Ariz. at 432, ¶ 12 (LD20); *Brantner-Smith*, 2024 WL 3994932, at \*1 (Marana school district); *Baker* [APP 60] (Maricopa County); *Querard* [APP065] (LD13). The Court should apply the same longstanding rule here. Under that rule, Mr. Lytle’s nomination documents substantially comply with §§ 16-311 and -314.

## CONCLUSION

The judgment should be affirmed.

RESPECTFULLY SUBMITTED this 27th day of April, 2026.

OSBORN MALEDON, P.A.

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