

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 JOINDER IN PLANNED PARENTHOOD
ARIZONA, INC.'S MOTION TO STAY ISSUANCE OF MANDATE**

Joshua D. Bendor (No. 031908)
Alexander W. Samuels (No. 028926)
Luci D. Davis (No. 035347)
OFFICE OF THE ATTORNEY GENERAL
2005 N. Central Ave., Phoenix, AZ 85004
(602) 542-3333
Joshua.Bendor@azag.gov
Alexander.Samuels@azag.gov
Luci.Davis@azag.gov
ACL@azag.gov

*Attorneys for Arizona Attorney General
Kristin K. Mayes*

On April 26, 2024, this Court denied the Arizona Attorney General's motion for reconsideration. As authorized by ARCAP 24(d), the Attorney General then promptly moved to stay the mandate for 90 days to permit the Attorney General's Office to evaluate and potentially file a petition for a writ of certiorari in the United States Supreme Court. *See Att'y General's Mot. to Stay Issuance of Mandate* (filed Apr. 30, 2024).

Shortly thereafter, the Arizona Legislature voted to enact House Bill (H.B.) 2766, which will repeal the statute at issue in this case. Plaintiff-Appellant Planned Parenthood Arizona, Inc. has now filed a separate motion to stay issuance of the mandate until the effective date of that repeal. Consequently, this Court now has two separate requests before it, one for a 90-day stay under ARCAP 24(d) and another for a stay through the effective date of H.B. 2677 under equitable principles and ARCAP 3(a).

The Attorney General writes to clarify her position in light of Planned Parenthood's separate and subsequent motion to stay issuance of the mandate. Specifically, the Attorney General joins in Planned Parenthood's motion to stay issuance of the mandate until H.B. 2677's effective date. If the Court grants that motion, the Court need not consider the Attorney General's separate request.

To the extent the Court denies the motion requesting a stay until H.B. 2677's effective date, however, the Attorney General maintains her request to stay issuance of the mandate for 90 days to allow the Office time to evaluate and potentially prepare a petition for a writ of certiorari. As noted in her motion, 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. And if the Attorney General files a certiorari petition, she will notify the appellate clerk pursuant to ARCAP 24(d)(2).

RESPECTFULLY SUBMITTED this 2nd day of May, 2024.

KRISTIN K. MAYES, ARIZONA
ATTORNEY GENERAL

By /s/ Joshua D. Bendor
Joshua D. Bendor
Alexander W. Samuels
Luci D. Davis
2005 N. Central Ave.
Phoenix, Arizona 85004
(602) 542-3333
Joshua.Bendor@azag.gov
Alexander.Samuels@azag.gov
Luci.Davis@azag.gov

*Attorneys for Arizona Attorney General
Kristin K. Mayes*