MARK BRNOVICH
ATTORNEY GENERAL
(Firm State Bar No. 14000)
Joseph A. Kanefield (No. 15838)
Brunn (Beau) W. Roysden III (No. 28698)
Drew C. Ensign (No. 25463)
Robert J. Makar (No. 33579)
2005 N. Central Ave
Phoenix, AZ 85004-1592
Phone: (602) 542-8958
Joe.Kanefield@azag.gov
Beau.Roysden@azag.gov
Drew.Ensign@azag.gov
Robert.Makar@azag.gov
Attorneys for Plaintiff State of Arizona

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

State of Arizona,

Plaintiff,

v.

Janet Yellen, in her official capacity as Secretary of the Treasury et al.;

Defendants.

No. 2:21-cv-00514-DJH

STATE'S REPLY TO RESPONSE IN SUPPORT OF ITS MOTION FOR LEAVE TO EXCEED PAGE LIMIT

REPLY TO RESPONSE

The State respectfully disagrees with the contentions advanced by the Secretary in her response opposing leave for an additional two pages (Doc. 33). The State only opposed inclusion of page limits in the joint motion to set a briefing schedule (Doc. 14). As to pages generally, the State represented that it was very familiar with the need to defend statutes fully against constitutional challenge, as it often does so itself. It therefore explained that although it had abided by the 17-page limit in its motion, it would not oppose an expansion of the page limits for the Secretary's response as long as it received a commensurate increase in pages for its Reply. That was apparently misunderstood as opposition to any page increase of any sort.

In any event, the Secretary recognizes (at 1) the federal government "would ordinarily consent to a page extension" in these circumstances. The Secretary's default recognition that additional pages would typically be warranted here is further reason to grant the State's request.

Finally, the State also shares the Secretary's goal to have mutually agreeable resolution of such administrative matters going forward.

CONCLUSION

For the foregoing reasons, the State's request for an expansion of the applicable page limit from 11 to 13 pages should be granted.

RESPECTFULLY SUBMITTED this 11th day of May, 2021.

MARK BRNOVICH
ATTORNEY GENERAL

By s/ Drew C. Ensign
Joseph A. Kanefield (No. 15838)
Brunn W. Roysden III (No. 28698)
Drew C. Ensign (No. 25463)
Robert J. Makar (No. 33579)

Attorneys for Plaintiff State of Arizona