

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 FIRST MOTION FOR
EXTENSION OF TIME TO FILE
FINAL BRIEFS**

1 **REQUEST FOR EXTENSION**

2 The State of Arizona (“State”) respectfully moves for a short, seven-day extension
3 of time for the parties to file final briefs invited by this Court’s June 23 Order (Doc. 55),
4 from July 7 to July 14. Counsel for Defendants are amenable to a two-day extension to
5 July 9, but oppose any longer extension. Good cause supports this request.

6 The Southern District of Ohio just yesterday concluded that the Tax Mandate was
7 unconstitutional and granted a permanent injunction. *See Ohio v. Yellen*, No. 21-181 (S.D.
8 Ohio July 1, 2021). The issues presented in *Ohio* are nearly identical to those raised here,
9 and a short extension of time will permit the parties to incorporate discussion of the *Ohio*
10 decision into their final briefs. Such incorporation will serve the interests of judicial
11 economy and avoid additional briefing. To preserve fairness to the parties, the State
12 respectfully requests that any extension of time be made equally available to Defendants.

13 A short extension is also warranted because counsel for the State has numerous other
14 commitments in the time period, and will benefit substantially from a short extension. In
15 particular, undersigned counsel has a Ninth Circuit argument in *Arizona Democratic Party*
16 *v. Hobbs*, No. 20-16759 on July 7—which is the same day as the current brief deadline.

17 Although Defendants object to any extension longer than two days, they will not
18 suffer prejudice from this request, particularly as the extension apply to their deadline as
19 well. Notably, the status quo serves their interests, and Defendants will not be prejudiced
20 if consideration of *the State’s* motion is delayed by five days.

21 **CONCLUSION**

22 For the foregoing reasons, the State’s request for an extension of time for all parties
23 to file final briefs from July 7 to July 14 should be granted.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED this 2nd day of July, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Arizona using the CM/ECF filing system. Counsel for all parties are registered CM/ECF users and will be served by the CM/ECF system pursuant to the notice of electronic filing.

s/ Drew C. Ensign
Attorney for the State of Arizona

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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
[PROPOSED] ORDER

Having considered the State’s First Motion for Extension of Time to File Final Briefs, **IT IS HEREBY ORDERED GRANTING** the Motion.

IT IS FURTHER ORDERED that the parties’ final briefs are due July 14.