

Timothy Sandefur (033670)
Jonathan Riches (025712)
Parker Jackson (037844)
**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**
500 E. Coronado Rd.
Phoenix, AZ 85004
(602) 462-5000
Litigation@goldwaterinstitute.org

Attorneys for Amicus Curiae Goldwater Institute

**IN THE SUPREME COURT
STATE OF ARIZONA**

MATTHEW ABRAHAM, PHD,

Petitioner,

v.

ARIZONA BOARD OF REGENTS,

Respondent.

Supreme Court
No. CV-25-0020-PR

Court of Appeals, Division Two
No. 2 CA-CV 2024-0073

Pima County Superior Court
No. C20214306

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE
GOLDWATER INSTITUTE IN SUPPORT OF PETITIONER**

Pursuant to [ARCAP 16\(b\)\(2\)](#), the Goldwater Institute hereby moves for leave to file the attached brief amicus curiae in support of Plaintiff/Appellant Matthew Abraham’s Petition for Review. Counsel for all parties were notified that the Goldwater Institute intended to file an amicus brief and requested consent of the parties pursuant to [ARCAP 16\(b\)\(1\)\(A\)](#). Counsel for Mr. Abraham consented, but Counsel for Defendant/Appellee Arizona Board of Regents (“ABOR”) did not, necessitating the filing of this motion.

I. Identity and Interest of Amicus Curiae

The Goldwater Institute is well known to this Court. *See, e.g., Legacy Found. Action Fund v. Citizens Clean Elections Comm’n*, 254 Ariz. 485, 493 ¶ 28 (2023); *State v. Mixton*, 250 Ariz. 282, 291 ¶ 35 (2021). It was established in 1988 as a nonpartisan public policy and research foundation devoted to advancing the principles of limited government, individual freedom, and constitutional protections through litigation, research, policy briefings, and advocacy. Through its Scharf-Norton Center for Constitutional Litigation, the Institute litigates cases, and it files amicus briefs when its or its clients’ objectives are directly implicated.

The Institute has for many years devoted substantial resources either to seeking records from government agencies itself or to advocating for government transparency and litigating public records cases, both in Arizona and across the country. *See, e.g., Barry Goldwater Inst. for Pub. Policy Rsch. Ctr. v. City of*

[Phoenix](#), 563 P.3d 656 (Ariz. App. 2025) (Petition for Review pending, No. CV-25-0033-PR); [ACLU v. DCS](#), 240 Ariz. 142, 148 ¶ 15 (App. 2016) (Goldwater Institute amicus brief in public records case); [Cong. Elementary Sch. Dist. No. 17 v. Warren](#), 227 Ariz. 16 (App. 2011) (representing parties seeking records); [Fairfax Cnty. Sch. Bd. v. Tisler](#), No. 2021-13491 (Fairfax Cnty. [Va.] Cir. Ct. Nov. 16, 2021) (same); [Goldwater Inst. v. U.S. Dep't of Health & Hum. Servs.](#), 804 F. App'x 661 (9th Cir. 2020) (federal FOIA litigation).

The Institute offers educational programs to teach attorneys and citizens how to use public records laws to obtain the information necessary to hold government officials responsible to the voting public, particularly when tax dollars and constitutional rights are at stake. *See, e.g.,* [Open My Government: A Citizen's Guide to Public Records Requests](#), Goldwater Inst. (2022). The Institute has also developed expertise regarding the procedural rules applicable in public records cases and other statutory special actions. *See, e.g.,* [Rule Petition R-23-0055](#) at 19 (Ariz. Sup. Ct. 2024) (acknowledging Goldwater Institute as a Contributing Guest to the work of the Task Force on Rules of Procedure for Special Actions); [Comment on Petition R-23-0055 Rules of Procedure for Special Actions](#).

The Institute believes its litigation experience and public policy expertise will aid this Court in considering the appeal.

II. The Court should grant the motion for leave to file.

[ARCAP 16\(d\)\(1\) and \(e\)](#) expressly contemplate amicus participation at the petition for review stage. Amicus has followed all relevant procedural rules and deadlines in the submission of this brief.

This case is particularly appropriate for amicus participation. “An amicus brief should normally be allowed ... when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” [Cmty. Ass’n for Restoration of Env’t v. DeRuyter Bros. Dairy](#), 54 F. Supp.2d 974, 975 (E.D. Wash. 1999); *see also* [ARCAP 16\(b\)\(1\)\(C\)\(iii\)](#).

Goldwater Institute scholars have written extensively on public records and transparency issues. *See, e.g.*, Stacy Skankey, [What Are They Saying Behind My Daughter’s Back? PA Mom Wins Battle to Find Out](#), Goldwater Inst. (Feb. 22, 2024); Kamron Kompani, [\\$44,000 to Find Out if Government Is Keeping Its Citizens Safe?](#), Goldwater Inst. (Jan. 22, 2024); Parker Jackson, [Big Government & Its Union Enablers Are Keeping Secrets to Stay in Power](#), Goldwater Inst. (Apr. 11, 2023); Matt Beienburg, [De-Escalating the Curriculum Wars: A Proposal for Academic Transparency in K-12 Education](#), Goldwater Inst. (Jan. 14, 2020).

Given the Goldwater Institute’s experience and familiarity with government transparency issues nationwide and Arizona’s Public Records Law specifically

(including a pending petition for review involving similar issues), amicus believes its brief will assist this Court in its consideration of this case.

In the brief, amicus contends that review of the Court of Appeals' decision in this case is warranted because the court below improperly altered the decades-old standard of review applicable in public records cases, a matter of statewide concern. The brief also explains that the court misconstrued amendments to the Rules of Procedure for Special Actions to justify an "abuse-of-discretion" prong of review, which undermines bedrock principles of Arizona public records law. Amicus also rebuts ABOR's argument that the case does not present a suitable vehicle for review.

No party will be prejudiced by the filing of this brief, because the brief accompanies this motion, is filed within the legal deadline, and complies with all applicable rules. No counsel for any party authored the proposed amicus brief in whole or part, and no person or entity other than the Institute, its members, or counsel, made any monetary contribution for the preparation or submission of this brief.

CONCLUSION

The motion for leave to file should be granted.

Respectfully submitted May 28, 2025 by:

/s/ Parker Jackson

Timothy Sandefur (033670)

Jonathan Riches (025712)

Parker Jackson (037844)

**Scharf-Norton Center for Constitutional
Litigation at the GOLDWATER
INSTITUTE**

**IN THE SUPREME COURT
STATE OF ARIZONA**

MATTHEW ABRAHAM, PHD,

Petitioner,

v.

ARIZONA BOARD OF REGENTS,

Respondent.

Supreme Court
No. CV-25-0020-PR

Court of Appeals, Division Two
No. 2 CA-CV 2024-0073

Pima County Superior Court
No. C20214306

**BRIEF OF AMICUS CURIAE GOLDWATER INSTITUTE
IN SUPPORT OF PETITIONER**

Timothy Sandefur (033670)
Jonathan Riches (025712)
Parker Jackson (037844)
**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**
500 E. Coronado Rd.
Phoenix, AZ 85004
(602) 462-5000
Litigation@goldwaterinstitute.org

*Attorneys for Amicus Curiae
Goldwater Institute*

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

INTEREST OF AMICUS CURIAE 1

INTRODUCTION 1

REASONS FOR GRANTING THE PETITION 2

I. The Court of Appeals inappropriately altered the standard of review applicable in all public records cases, a recurring matter of statewide concern. 2

II. The Court of Appeals misconstrued amendments to the Rules of Procedure for Special Actions to create a new “abuse of discretion” prong of review in public records cases. 6

III. The decision below undermines bedrock principles of Arizona public records law. 8

IV. This case presents a suitable vehicle for review. 9

CONCLUSION 10

TABLE OF AUTHORITIES

Cases

<i>ACLU v. Arizona Department of Child Safety</i> , 240 Ariz. 142 (App. 2016)	1
<i>Arizona Board of Regents v. Phoenix Newspapers, Inc.</i> , 167 Ariz. 254 (1991) ...	3, 5
<i>Barry Goldwater Institute for Public Policy Research v. City of Phoenix</i> , 563 P.3d 656 (App. 2025).....	4
<i>Bolm v. Custodian of Records of Tucson Police Dep’t</i> , 193 Ariz. 35 (App. 1998)...	9
<i>Carlson v. Pima County</i> , 141 Ariz. 487 (1984)	1, 2, 3, 4, 8
<i>Church of Scientology v. City of Phoenix Police Dep’t</i> , 122 Ariz. 338 (App. 1979)	9
<i>Cox Ariz. Publ’ns, Inc. v. Collins</i> , 175 Ariz. 11 (1993).....	1, 3, 4, 9
<i>Grant v. Arizona Pub. Svc. Co.</i> , 133 Ariz. 434 (1982).....	7
<i>Griffis v. Pinal Cnty.</i> , 215 Ariz. 1 (2007)	4
<i>London v. Broderick</i> , 206 Ariz. 490 (2003).....	3
<i>Lunney v. State</i> , 244 Ariz. 170 (App. 2017)	4
<i>Mathews v. Pyle</i> , 75 Ariz. 76 (1952)	9
<i>Phoenix Newspapers, Inc. v. Ellis</i> , 215 Ariz. 268 (App. 2007).....	2, 4
<i>Phoenix Newspapers, Inc. v. Keegan</i> , 201 Ariz. 344 (App. 2001).....	5, 8
<i>Schoeneweis v. Hamner</i> , 223 Ariz. 169 (App. 2009)	2
<i>Scottsdale Unified Sch. Dist. No. 48 v. KPNX Broad. Co.</i> , 191 Ariz. 297 (1998)	3, 5

Statutes

A.R.S. § 39-121.02.....	6, 9
-------------------------	------

A.R.S. § 39-121.02(A)1

Rules

Ariz. R. P. Special Actions 26

Ariz. R. P. Special Actions 36

Ariz. R. P. Special Actions 4(c)6, 7

Other Authorities

Ariz. R. P. Special Actions Comment to Rule 7(g)7

INTEREST OF AMICUS CURIAE

The interest of amicus is set forth in the accompanying Motion for Leave to File Brief Amicus Curiae of Goldwater Institute.

INTRODUCTION

For decades, Arizona courts have routinely reviewed the denial of access to public records *de novo*. See, e.g., [Cox Ariz. Publ'ns, Inc. v. Collins](#), 175 Ariz. 11, 14 (1993). That is because “access and disclosure is the strong policy” of Arizona’s Public Records Law, [Carlson v. Pima County](#), 141 Ariz. 487, 491 (1984), and “a governmental entity *always* bears the burden of overcoming the presumption of disclosure,” [ACLU v. Arizona Department of Child Safety](#), 240 Ariz. 142, 151 ¶ 29 (App. 2016) (emphasis added).

Rather than follow the standard of review established by this Court, the Court of Appeals inappropriately altered the standard by misconstruing caselaw and recent amendments to the Rules of Procedure for Special Actions, which apply in public records cases. See [A.R.S. § 39-121.02\(A\)](#). The lower court created a new and “more deferential” “abuse-of-discretion” prong for individual withholding and redaction decisions, while purportedly retaining *de novo* review only when analyzing the “sufficiency and specificity of the harm identified” by the public officer or body seeking to withhold records. COA Op. at 11 ¶¶ 40, 42.

Judicial deference to the withholding and redaction decisions of public entities is wholly incompatible with longstanding precedent and fundamental principles of Arizona public records law. Indeed, the decision below threatens the entire legal framework for public access to public records and reduces government transparency statewide.

This Court should grant review and reverse.

REASONS FOR GRANTING THE PETITION

I. The Court of Appeals inappropriately altered the standard of review applicable in all public records cases, a recurring matter of statewide concern.

Arizona law strongly presumes in favor of public records disclosure, allowing government to overcome that presumption only when “confidentiality,^[1] privacy or the best interests of the state” are appropriately invoked and outweigh the public’s interest in disclosure. [Carlson](#), 141 Ariz. at 491. Although [Carlson](#) referred to a refusal of access as “discretionary” in the first instance, it then made clear that “[s]uch discretionary refusal is subject to judicial *scrutiny*,” not judicial *deference*. [Id.](#) (emphasis added).

¹ The confidentiality exception encompasses statutory exceptions. See [Schoeneweis v. Hamner](#), 223 Ariz. 169, 173 ¶ 14 (App. 2009) (confidentiality exception refers to records “made confidential by statute”); [Phoenix Newspapers, Inc. v. Ellis](#), 215 Ariz. 268, 273 ¶ 20 (App. 2007) (“Without an express statutory exemption a bare assertion of confidentiality does not make a document any less a public record.”).

In *Arizona Board of Regents v. Phoenix Newspapers, Inc.*, 167 Ariz. 254, 257–58 (1991), this Court noted that a records custodian has “discretion to balance the countervailing interests,” and “[w]hen the release of information would have an important and harmful effect on the duties of the officials or agency in question, there is discretion not to release the documents.” When reviewing such decisions, though, the Court reiterated that appellate courts “are free to draw [their] own conclusions of law.” *Id.* at 257.

If, however, there was any confusion in *Carlson, Board of Regents*, or other cases, it should have been resolved by this Court’s decision in *Cox*: “**Whether the denial of access to public records is wrongful is an issue of law which we review de novo.**” 175 Ariz. at 14 (citing *Board of Regents*, 167 Ariz. at 257; emphasis added). This statement has been considered black letter law for more than three decades. No subsequent decision of this Court has hinted at anything less than *de novo* review for the denial of access to public records. *See, e.g.*, *Scottsdale Unified Sch. Dist. No. 48 v. KPNX Broad. Co.*, 191 Ariz. 297, 302 ¶ 20 (1998) (“[W]hether plaintiffs wrongfully denied defendants access to public records ‘is an issue of law which we review de novo.’” (citing *Cox*, 175 Ariz. at 14)); *London v. Broderick*, 206 Ariz. 490, 493 ¶ 10 & n.3 (2003) (“Because the ultimate determination involves a mixed question of fact and law, our review of a denial of access to public records is *de novo*.” (citing *KPNX*, 191 Ariz. at 302 ¶ 20

and [Cox](#), 175 Ariz. at 14)). Cf. [Griffis v. Pinal Cnty.](#), 215 Ariz. 1, 3 ¶ 7 (2007) (“Whether a document is a public record under Arizona’s public records law presents a question of law, which we review de novo.” (citing [Cox](#), 175 Ariz. at 14)).

Until rather recently, the Court of Appeals routinely applied *de novo* review in public records cases, recognizing that [Cox](#) had settled the standard of review question. See, e.g., [Ellis](#), 215 Ariz. at 271 ¶ 13 (citing [Cox](#), 175 Ariz. at 14); [Lunney v. State](#), 244 Ariz. 170, 174 ¶ 6 (App. 2017) (same).

But in this case, the Court of Appeals confused the standard of review applicable to the denial of access to public records, departing from longstanding precedent, including this Court’s holding in [Cox](#). Worse still, it creates a new, previously unknown “two-pronged scope of the trial court’s review,” to be applied in all public records cases. COA Op. at 10 ¶ 38. This bifurcated—and more deferential—standard of review is not articulated in Arizona public records caselaw.

Unfortunately, this case is not the only recent instance where the Court of Appeals has failed to apply *de novo* review to a question regarding the denial of access to public records. In [Barry Goldwater Institute for Public Policy Research v. City of Phoenix](#), Division One also erred by failing to conduct the [Carlson](#)

balancing test *de novo*. 563 P.3d 656, 663 ¶ 24 (App. 2025).² But even in that case, Division One did not go as far as Division Two did here. In the [Goldwater Institute](#) case, the Court of Appeals failed to apply *de novo* review. But here, the Court of Appeals altered the standard of review itself. COA Op. at 11 ¶ 42. This Court should correct the misapplication of the law in both divisions.

Of course, even in the absence of this emerging trend, Arizona’s Public Records Law and its application is a matter of statewide concern. *See, e.g., Arizona Bd. of Regents*, 167 Ariz. at 257 (this Court “ordered the matter transferred ... because it is a matter of statewide importance concerning an important question of law”). That’s because “[t]he core purpose of the public records law is to allow the public [to] ... monitor the performance of government officials and their employees.” *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351 ¶ 33 (App. 2001) (citation omitted). *See also KPNX*, 191 Ariz. at 302–03 ¶ 21 (“[t]he purpose[s] of the Public Records Law ... [are] ‘to open agency action to the light of public scrutiny’” and “to allow citizens ‘to be informed about what their government is up to.’” (citations omitted)).

This Court should grant review and reject the lower court’s bifurcation of the standard of review in public records cases.

² For that and other reasons, the Institute has filed a petition for review of that decision. CV-25-003-PR.

II. The Court of Appeals misconstrued amendments to the Rules of Procedure for Special Actions to create a new “abuse of discretion” prong of review in public records cases.

The standard of review and substantive legal interpretations applying the Public Records Law stand independent of amendments to the Rules of Procedure for Special Actions, which guide public records cases. [A.R.S. § 39-121.02](#). The legislature chose to create a statutory special action for requesters denied access to public records. *Id.* Presumably, it did so both for the expedited treatment that special actions typically receive, as well as the fact that the relief available in public records cases generally tracks the type of relief available under common law, namely mandamus. *See generally* [RPSA 2, 3](#).

This Court’s Task Force on Rules of Procedure for Special Actions recently revised the rule regarding questions that may be presented by special action. In doing so, it clarified that a government decision can be challenged if it is arbitrary and capricious or an abuse of discretion, adding that the latter “can include a legal error.” [RPSA 4\(c\)](#). The Court of Appeals here misunderstood this clarification as altering the standard of review for public records cases, and perhaps all special actions, even though the new text only applies to one of three grounds for bringing

a special action.³ COA Op. at 11 ¶ 40 (describing this as “the existing or new special action rules’ requirement for abuse-of-discretion review”).

The Goldwater Institute participated extensively in the Task Force’s meetings. *See* Motion at 2. Nothing was discussed at any of those meetings that suggested this text was intended as a wholesale displacement of decades of public records or special action caselaw. Indeed, the Task Force tried to *incorporate* existing caselaw into the rules where possible, not to displace substantive precedent. *See, e.g.*, [RPSA Comment to Rule 7\(g\)](#) (connecting discovery rule to prior caselaw, including in the public records context).

The new text in [Rule 4\(c\)](#) merely acknowledges that a court, public official, or government entity may commit legal errors when exercising discretion,⁴ and that such errors may be reviewed by special action. That does not mean all legal errors

³ ABOR argues that the “only question” relevant to disputes over withholding or redaction under the Public Records Law is “[w]hether a determination [by a public officer] was arbitrary and capricious or an abuse of discretion.” Resp. to Pet. for Review at 8 (citing [RPSA 4\(c\)](#)). But that is wrong because it ignores the fact that special actions, including statutory special actions where authorized, are also appropriate to review whether a public officer “failed to perform a duty required by law for which they have no discretion,” or whether a public officer “proceeded ... without, or in excess of, jurisdiction or legal authority.” [RPSA 4\(a\), \(b\)](#). These are legal questions properly reviewed *de novo*—questions that may well arise in the public records context.

⁴ *See, e.g.*, [Grant v. Arizona Pub. Svc. Co.](#), 133 Ariz. 434, 455–56 (1982) (factors for finding an abuse of discretion include “[w]here there has been an error of law committed in the process of reaching the discretionary conclusion”).

are subject to an abuse-of-discretion standard of review, as the Court of Appeals seems to have concluded. *See* COA Op. at 11 ¶ 40.

The Court should also grant review to clarify that the standard of review applicable in public records cases is not altered by the new RPSA.

III. The decision below undermines bedrock principles of Arizona public records law.

“The core purpose of the public records law is to allow the public access to official records and other government information so that the public may monitor the performance of government officials and their employees.” [Keegan](#), 201 Ariz. 344, 351 ¶ 33 (citation omitted). This goal would be undermined if the decision below is permitted to stand because government entities could easily evade transparency by superficially asserting legally sufficient harms, then shielding broad swaths of information, knowing their decisions regarding redaction and withholding will receive only the most lenient form of judicial scrutiny.

This new standard weakens the government’s burden in public records cases, diminishing the strong policy and legal presumption favoring disclosure.

De novo review, the presumption favoring disclosure, and the government’s burden to overcome it on a case-by-case basis⁵ are all bedrock principles of

⁵ Contrary to ABOR’s argument, *in camera* inspection is not always required under a *de novo* standard of review. *See* Resp. at 8–9. If the government fails to properly invoke an exception to disclosure, a court need not inspect withheld records before ordering their release under the [Carlson](#) balancing test. *See, e.g., Carlson*, 141

Arizona public records law. To ensure transparency when the public seeks information about what its government is up to, this Court should grant review and reverse.

IV. This case presents a suitable vehicle for review.

ABOR argues that “[t]his case presents a poor vehicle” for review due to “significant legislative developments.” Resp. to Pet. at 13. Specifically, ABOR points to the then-pending House Bill 2927, which would have codified a *de novo* standard of review into the public records statutes. *Id.* ABOR noted that “[i]f passed, HB 2927 may moot any judicial analysis of the standard of review under prior versions of [§ 39-121.02](#).” *Id.* at 14. Notably, that bill only codified the *existing* standard of review in [Cox](#) and other cases.

In any event, ABOR’s arguments regarding “legislative developments” have been rendered moot. The legislature transmitted HB 2927 to the Governor on May

Ariz. at 491 & n.2 (discussing lack of *in camera* inspection in [Church of Scientology v. City of Phoenix Police Dep’t](#) because the government there “never specifically articulated any potential harm likely to result from disclosure of the documents” (citation omitted)). But for genuine disputes over whether individual records or portions of records are confidential and privileged or whether their disclosure would be detrimental to the best interests of the state, this Court has unequivocally stated that there is “no other way” to determine such questions apart from *in camera* inspection. [Mathews v. Pyle](#), 75 Ariz. 76, 81 (1952). *Cf.* [Cox](#), 175 Ariz. at 15 (finding custodian’s actions arbitrary and capricious where “[h]e neither produced the records for an *in camera* review, nor offered a redacted version to the court or [requester]”); [Bolm v. Custodian of Records of Tucson Police Dep’t](#), 193 Ariz. 35, 40 ¶ 14 (App. 1998) (describing *in camera* inspection as the “preferred practice” for reviewing courts in public records cases).

7, 2025⁶—the same day ABOR filed its Response to the Petition. The Governor vetoed that bill on May 13, 2025.⁷

CONCLUSION

The Court should grant the petition for review, and clarify that the standard of review in public records cases is *de novo*.

Respectfully submitted May 28, 2025 by:

/s/ Parker Jackson

Timothy Sandefur (033670)

Jonathan Riches (025712)

Parker Jackson (037844)

**Scharf-Norton Center for Constitutional
Litigation at the GOLDWATER
INSTITUTE**

⁶ [Bill History for HB2927](#).

⁷ [Id.](#)

Timothy Sandefur (033670)
Jonathan Riches (025712)
Parker Jackson (037844)
**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**
500 E. Coronado Rd.
Phoenix, AZ 85004
(602) 462-5000
Litigation@goldwaterinstitute.org

Attorneys for Amicus Curiae Goldwater Institute

**IN THE SUPREME COURT
STATE OF ARIZONA**

MATTHEW ABRAHAM, PHD,

Petitioner,

v.

ARIZONA BOARD OF REGENTS,

Respondent.

Supreme Court
No. CV-25-0020-PR

Court of Appeals, Division Two
No. 2 CA-CV 2024-0073

Pima County Superior Court
No. C20214306

CERTIFICATE OF COMPLIANCE

Pursuant to Ariz. R. Civ. App. P. 16(d)(1) and 23(g), I certify that the body of the attached Brief Amicus Curiae of Goldwater Institute in Support of Petitioner appears in proportionately spaced type of 14 points, is double spaced using a Roman font, and is 2,298 words, excluding table of contents and table of authorities.

Respectfully submitted May 28, 2025 by:

/s/ Parker Jackson

Timothy Sandefur (033670)

Jonathan Riches (025712)

Parker Jackson (037844)

**Scharf-Norton Center for Constitutional
Litigation at the GOLDWATER
INSTITUTE**

Timothy Sandefur (033670)
Jonathan Riches (025712)
Parker Jackson (037844)
**Scharf-Norton Center for
Constitutional Litigation at the
GOLDWATER INSTITUTE**
500 E. Coronado Rd.
Phoenix, AZ 85004
(602) 462-5000
Litigation@goldwaterinstitute.org

Attorneys for Amicus Curiae Goldwater Institute

**IN THE SUPREME COURT
STATE OF ARIZONA**

MATTHEW ABRAHAM, PHD,

Petitioner,

v.

ARIZONA BOARD OF REGENTS,

Respondent.

Supreme Court
No. CV-25-0020-PR

Court of Appeals, Division Two
No. 2 CA-CV 2024-0073

Pima County Superior Court
No. C20214306

CERTIFICATE OF SERVICE

The undersigned certifies that on May 28, 2025, she caused the attached Motion for Leave to File Brief Amicus Curiae of Goldwater Institute and Brief Amicus Curiae of Goldwater Institute in Support of Petitioners to be filed via the Court's Electronic Filing System and electronically served a copy to:

Benjamin L. Rundall
Peter Kozinets
Lauren Whittaker
ZWILLINGER WULKAN PLC
2020 N. Central Ave., Ste. 675
Phoenix, Arizona 85004
Ben.rundall@zwfirm.com
Peter.kozinets@zwfirm.com
Lauren.whittaker@zwfirm.com

Attorneys for Petitioner

Betsy J. Lamm
Jenna L. Brownlee
Drew G. Wegner
COHEN DOWD QUIGLEY P.C.
The Camelback Esplanade I
2425 E. Camelback Rd., Ste. 1100
Phoenix, Arizona 85016
blamm@cdqlaw.com
jbrownlee@cdqlaw.com
dwegner@cdqlaw.com

Attorneys for Respondent

/s/ Kris Schlott
Kris Schlott, Paralegal