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15 Attorney for Defendants' Rachel Mitchell
16 and Paul Penzone

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 Arizona Broadcasters Association, an
20 Arizona nonprofit corporation; American
21 Civil Liberties Union of Arizona, an Arizona
22 nonprofit corporation; Arizona Newspapers
23 Association, and Arizona nonprofit
24 corporation; Fox Television Stations, LLC, a
25 Delaware limited liability company Gray
26 Media Group, Inc., a Delaware corporation
27 d/b/a KTVK-KPHO and d/b/a KOLD;
28 KPNX-TV, a division of Multimedia
Holdings Corp., a South Carolina
corporation; NBCUniversal Media, LLC, a
Delaware limited liability company; National
Press Photographers Association, a New
York nonprofit corporation; Phoenix
Newspapers, Inc., an Arizona corporation;
Scripps Media, Inc., and Ohio corporation,
d/b/a KGUN-TV and d/b/a KNXV-TV and
States Newsroom/Arizona Mirror, a District
of Columbia nonprofit corporation;

Plaintiff,

v.

Mark Brnovich, in his official capacity as
Attorney General for the State of Arizona;

NO. CV 22-01431-PHX-(JJT)

**MARICOPA COUNTY ATTORNEY
RACHEL MITCHELL'S AND
MARICOPA COUNTY SHERIFF
PAUL PENZONE'S NOTICE
ASSERTING THEIR STATUS AS
NOMINAL DEFENDANTS**

1 Rachel Mitchell, in her official capacity as
2 Maricopa County Attorney; and Paul
3 Penzone, in his official capacity as Maricopa
4 County Sheriff;

5
6 Defendants.

7 Maricopa County Attorney Rachel Mitchell and Maricopa County Sheriff Penzone
8 assert that their status as Defendants in this lawsuit are purely as relief or nominal
9 Defendants. Neither County Attorney Mitchell nor Sheriff Penzone were involved in the
10 passage of the statute at issue, nor is there any allegation in the complaint indicating that
11 these defendants have enforced or threatened to enforce the challenged statute. Rather, it
12 appears they were named strictly to be representative of the numerous prosecuting and law
13 enforcement agencies throughout the state.

14 Because of this position, County Attorney Mitchell and Sheriff Penzone notify the
15 Court and parties that they take no position as it pertains to Plaintiff's Application for
16 Preliminary Injunctive Relief.

17 Further, neither will be defending this lawsuit on the merits nor will they take a
18 position on the constitutionality of the statute being challenged by the Plaintiffs.
19

20
21 **RESPECTFULLY SUBMITTED** this 2nd day of September, 2022.

22 RACHEL H. MITCHELL
23 MARICOPA COUNTY ATTORNEY

24 BY: /s/ Joseph I. Vigil
25 JOSEPH I. VIGIL
26 JOSEPH J. BRANCO
27 Deputy County Attorneys
28 *Attorneys for Defendants Rachel Mitchell
and Paul Penzone*

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Stations, LLC, Gray Media Group, Inc.,
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KPNX-TV, a division of Multimedia
Holdings Corp., NBCUniversal Media,
LLC; National Press Photographers
Association; Phoenix Newspapers, Inc.;
Scripps Media, Inc. d/b/a KGUN-TV
and d/b/a KNXV-TV and States
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