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8 **IN THE COURT OF APPEALS**  
9 **STATE OF ARIZONA**  
10 **DIVISION ONE**

11 HAROLD DONALD STANDHART, a single  
12 man; TOD ALAN KELTNER, a single man,

13 Petitioners,

14 v.

15 SUPERIOR COURT OF THE STATE OF  
16 ARIZONA, in and for the County of  
17 MARICOPA, MICHAEL K. JEANES, The  
18 Clerk of the Court,

19 Respondents,

20 STATE OF ARIZONA,

21 Real Party in Interest.

No. 1 CA-SA 03-0150

**MOTION TO INTERVENE  
AS RESPONDENT OR  
AMICUS CURIAE IN  
THIS SPECIAL ACTION**

**Assigned to the Honorable  
Judges Timmer, Gemmill  
and Portley  
(Oral Argument Requested)**

1 Applicant Senator Mark Anderson hereby moves this Court, pursuant to  
2 the provision of Ariz.R.P.Spec.Act. 2(b) (incorporating the mandatory right of  
3 intervention in Ariz.R.Civ.P. 24 by reference) for leave to intervene as a  
4 respondent as a matter of right in this special action to assert the defenses set  
5 forth in the accompanying Response in Intervention to the Special Action.

6 The grounds for this Motion are that Senator Anderson, by nature of his  
7 elected position, has a strong interest related to legislation governing the  
8 issuance of marriage licenses as being the particular province of the Legislature;  
9 and the disposition of the action may, as a practical matter, impair or impede his  
10 ability to protect that interest. Furthermore, Senator Anderson's interests are not  
11 adequately represented by the existing parties to the action.

12 In the alternative, Senator Anderson moves this Court, pursuant to  
13 Ariz.R.P.Spec.Act. 2(b) (incorporating the permissive right of intervention in  
14 Ariv.R.Civ.P. 24 by reference) for leave to intervene as a respondent in this  
15 special action to assert the defenses set forth in the accompanying Response in  
16 Intervention. The grounds for this Motion are that the applicant's defense and  
17 the main action have questions of law or fact in common and the requested  
18 intervention will not unduly delay or prejudice the adjudication of the rights of  
19 the original parties.  
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1           Also in the alternative, Senator Anderson moves this Court, pursuant to  
2 Ariz.R.P.Spec.Act. 2(b) and Rule 16 of the R.Civ.App.P, for leave to file the  
3 accompanying brief as amicus curiae in support of Respondents' position in this  
4 special action. Applicant respectfully states that he has will read the  
5 Respondent's brief when it is filed and presents these additional, substantive  
6 argument supporting the position of the Respondents with appropriate citation of  
7 authorities. Applicant files today to ensure that this Motion is timely. Applicant  
8 intends to argue in support of Arizona's current statutory structure governing  
9 marriage. Applicant relies on the above statement of his interest as a legislator  
10 in this matter to fulfill the requirements of Rule 16(a). It would be desirable to  
11 accept this amicus brief because the applicant contends that the legal arguments  
12 that should be made in favor of the existing statutory structure may not be fully  
13 developed by the existing parties to the lawsuit. *See* Anderson Affidavit,  
14 Appendix Ex. 1, attached to the Memorandum of Points and Authorities in  
15 support of this Motion.

16           This Motion is based upon the accompanying Memorandum of Points and  
17 Authorities and Appendix, the Proposed Response in Intervention submitted  
18 herewith, which are incorporated herein by reference, and upon all of the  
19 pleadings, motions and other documents of record in this action.

20           **Applicant requests oral argument.**

1 Respectfully submitted this 21st day of July, 2003.

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3  
4 By: \_\_\_\_\_

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