

1 Michael D. Kimerer (Bar #002492)  
KIMERER & DERRICK, P.C.  
2 1313 East Osborn Road, Suite 100  
Phoenix, Arizona 85014  
3 Telephone: 602/279-5900  
Facsimile: 602/264-5566  
4 [MDK@kimerer.com](mailto:MDK@kimerer.com)

5 *Attorney for Tom Horne and*  
*Tom Horne for Attorney General Committee*

6  
7 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

8 In the Matter Of,

No. 13F-CF20120001-MCAO

9 TOM HORNE, Tom Horne for Attorney  
General Committee (SOS Filer ID 2010  
10 00003); KATHLEEN WINN, Business  
Leaders for Arizona (SOS Filer ID 2010  
11 00375)

**MOTION TO CONTINUE HEARING**

Tammy L. Eigenheer  
Administrative Law Judge

12  
13 Undersigned counsel for Appellant Horne hereby files this Motion to Continue the  
14 upcoming hearing based on the following circumstances:

15  
16 At the last status conference on this case when scheduling was discussed counsel for  
Appellant Horne informed this Court that on March 5, 2013 he would be facing a major trial  
17 in Federal Court. Counsel filed notice that the federal trial will definitely be starting on  
18 March 5, 2013.

19  
20 The upcoming federal trial is of complex nature, and involves over sixty witnesses,  
hundreds of exhibits, attorneys and witnesses from other states and a multitude of legal issues.  
21 Judge Teilborg has mandated a schedule of pre-trial hearings, mandatory meetings, deadlines  
22 for the filing of exhibits, jury voir dire, jury instructions, responses to specific motions in  
23 limine beginning on February 25, 2013 and continuing up until the commencement of trial.  
24 The preparation time and mandated court appearances during this period of time conflicts

1 with the hearing in this case, and makes it impossible for defense counsel to be available  
2 during the five day period that has been scheduled for this hearing.

3 The Federal Trial is anticipated to last for at least five weeks and will not conclude  
4 until the middle of April. It is therefore requested that the hearing in this case be continued  
5 for a period of at least 60 days.

6 Respectfully submitted on this 13<sup>th</sup> day of February, 2013.

7 /s/ Michael D. Kimerer  
8 Michael D. Kimerer, Esq.  
9 KIMERER & DERRICK, P.C.  
10 1313 East Osborn Road, Suite 100  
Phoenix, Arizona 85014  
*Attorney for Tom Horne and  
Tom Horne for Attorney General Committee*

11 ORIGINAL OF THE FOREGOING  
12 electronically filed this 13<sup>th</sup> day of February, 2013,  
and submitted to:

13 Honorable Tammy Eigenheer  
14 Administrative Law Judge  
15 ARIZONA OFFICE OF ADMINISTRATIVE  
HEARINGS  
16 1400 West Washington Street, Suite 101  
Phoenix, Arizona 85007  
casemanagement@azoah.com

17 COPIES of the foregoing served via OAH  
18 electronic filing this 13<sup>th</sup> day of February, 2013, to:

19 Bill Montgomery, Maricopa County Attorney  
20 Maricopa County Attorney's Office  
21 Maricopa County Attorney  
301 West Jefferson Street  
Phoenix, AZ 85003  
[ca-civilmailbox@mcao.maricopa.gov](mailto:ca-civilmailbox@mcao.maricopa.gov)

1 COPIES of the foregoing served via OAH  
2 electronic filing this 13<sup>th</sup> day of February, 2013, to:

3 Colleen Connor (**MCAO**)  
4 Maricopa County Attorney's Office  
5 Maricopa County Attorney  
6 222 N. Central Avenue, Suite 1100  
7 Phoenix, AZ 85004  
8 connorc@mcao.maricopa.gov

9 Timothy A. La Sota (**WINN**)  
10 TIFFANY & BOSCO, P.A.  
11 2525 East Camelback Road, Third Floor  
12 Phoenix, Arizona 85016-4237  
13 tal@tblaw.com

14 By: /s/Melissa M. Wallingsford