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Attorneys for the Climate Science Legal Defense Fund

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

ENERGY & ENVIRONMENT LEGAL
INSTITUTE

Petitioner,

vs.

ARIZONA BOARD OF REGENTS and TERI
MOORE, in her official capacity as Custodian
of Public Records for the University of Arizona,

Respondents.

Case No. C2013-4963

**Motion for Leave to File Brief for
Amicus Curiae Climate Science Legal
Defense Fund In Support of Respondents**

[Hon. James E. Marner]

The Climate Science Legal Defense Fund (“CSLDF”) moves for leave to file the *amicus* brief lodged with the Court simultaneously with the filing of this motion. CSLDF has consulted with the parties, and all parties have consented to the filing of the *amicus* brief.

CSLDF, a 501(c)(3) non-profit organization, was founded in 2011 in response to the increasing incidence of legal attacks against climate scientists, which prominently include abusive public-record requests targeting climate scientists affiliated with public universities and other public entities. CSLDF’s mission is to protect the scientific endeavor in general, and climate science and climate scientists in particular, from assaults being launched through use and abuse of the legal system, many of which come in the form of invasive public-record requests.

CSLDF’s initial project was to generate funding and publicity for the defense of Dr. Michael Mann, a climate scientist whose confidential communications while at the University of Virginia were the subject of a request made by the petitioner in this case, the Energy & Environment Legal Institute (“E&E”) (then operating under its former name, the American Tradition Institute), under Virginia’s public-records law. The University initially agreed, without Dr. Mann’s approval, to share his communications under a protective order. CSLDF helped obtain funding for Dr. Mann to intervene, and also helped generate public support for his position. The University eventually reversed course, in part because it realized that E&E could not be trusted to abide by the protective order, and the Virginia courts upheld the refusal to produce Dr. Mann’s communications.

During the five years of its existence, CSLDF has continued to advise scientists on their legal rights and obligations under public-record laws and has accumulated extensive experience with the use and abuse of such laws in litigation such as the instant matter. CSLDF has provided legal resources and counseling to many climate scientists facing invasive public-record requests.

CSLDF, which filed an *amicus* brief when this case was before the Court of Appeals, has read the prior briefing filed by the parties and believes that it “can provide information, perspective, or argument that can help the [Court] beyond the help that the parties’ lawyers provide.” Ariz. R. Civ. App. P. 16(b)(1)(C)(iii). Specifically, CSLDF believes that the Court can benefit from its perspective on the methods and goals of the opponents of climate science, the use of public-records-law litigation to further these goals, and the role of E&E in numerous cases across the Nation.

CSLDF has an interest in this case because it is interested in protecting climate scientists like Drs. Hughes and Overpeck of the University of Arizona from the kind of abusive and invasive public-records request at issue here, and because a decision in favor of E&E could encourage additional such requests in Arizona and elsewhere and impair scientific endeavor in politically controversial fields such as climate change.

Conclusion

CSLDF respectfully requests that the Court grant leave for CSLDF to file the lodged brief.

Respectfully submitted,

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The FOREGOING filed with the Pima County Superior Court and copies mailed this 25th day of March, 2016, to:

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