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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Victor Antonio Parsons, et al.,

Plaintiffs,

v.

Charles L. Ryan, et al.,

Defendants.

No. CV-12-0601-PHX-DKD

ORDER

Corizon Health, Inc., the company that contracts with the Arizona Department of Corrections (ADOC) to provide healthcare services to inmates, moved to participate in this matter as amicus curiae. (Doc. 2171) At the conclusion of briefing, the Court denied that motion. (Docs. 2210, 2218, 2221, 2235) Now, several months later, Corizon has filed a Renewed Motion for leave to participate in the Court's upcoming hearing as amicus curiae. (Doc. 2529) The Court has reviewed the responses filed by both parties and Corizon's reply. (Docs. 2556, 2562, 2573)

The Court will deny the motion for the same reasons stated in its earlier denial. The Court's focus must be on whether ADOC, as obligor on the Stipulation, is complying with the Stipulation. That third party witnesses may be involved or that the third party entity with which the state has contracted has knowledge does not mean that counsel for the third party witnesses need participate. Indeed such participation could lessen the focus that must remain on the obligations of the parties. Notwithstanding its contract

with Corizon, it is the State's burden to meet its contractual obligations and thus its lawyers must bear all of that responsibility in Court.

Moreover, the Court notes that Corizon's renewed motion does not indicate how its proposed participation would differ from the "litigating *amicus curiae*" described and rejected in *United States v. State of Michigan*, 940 F.2d 143, 164 (6th Cir. 1991). (Doc. 2235 at 2) Corizon notes that some of its employees will testify but does not distinguish this hearing from any other situation where a non-party witness testifies. Fed. R. Civ. P. 45.

IT IS THEREFORE ORDERED that Corizon Health, Inc.'s Renewed Motion for Leave to Participate as *Amicus Curiae* (Doc. 2529) is **denied**.

Dated this 15th day of February, 2018.

David K. Duncan
United States Magistrate Judge