

EXHIBIT 4

ARIZONA SUPREME COURT

CV-25-0279-PR

Bob Parsons, et al.
[Name of Plaintiff],

CA-CV 25-0285

[Appellant/Appellee],

Superior Court
Case No. 2023-002276

v.

Toby Harris
[Name of Defendant],

MOTION TO VACATE ORDER
STRIKING REPLY AND
REINSTATE REPLY

[Appellant/Appellee].

MOTION TO VACATE ORDER STRIKING REPLY BRIEF AND
REINSTATE REPLY

On Nov. 17th, 2025 Justice King issued an order striking the Appellant's reply brief citing the procedural rule which requires the AZ Supreme Court grant an invitation to file the brief. On Nov. 22rd, 2025 the appellant filed a Motion to recuse Justice King on the grounds and stating facts that the Judge was a partner in the law firm Burns Barton which drafted the original vexatious motion which blocked Harris' Constitutional free access to the Courts and would later be used as the precedent which forced a vexatious order in the instant matter. At the time it was not known that Judge Gates, the author of the original vexatious order, may have already been in business with Parsons via a manufacturing golf club contract between PXG and Ping/Karsten manufacturing. Subsequently, it is not known if Burns Barton knew that either.

The glaring fact that Justice Kings law firm was paid by Parsons to take an adverse position against Harris alone easily meets the requirements under A.R.S. Supreme Court rule 81, Code of Judicial conduct, Rule 2.11 (A)(1) for judicial disqualification. Since Justice King knows the background on theses issue that are bound under attorney client privledge, It is unfair to allow the Justice to make any rulings against Harris since it is veiwed an extension of the previous litigation

in which she was a compensated party. This means that the order was not a neutral procedural ruling but a compromised one, which undermines the fairness rule in applying the invitation rule against appellant. Appellant did not invite the error, it was imposed sua sponte, induced by the other parties influence in the matter. The order is thus voidable, *Rosenberg v. Sanders*, 1 CA-CV-21-0246 (Ariz. Ct. App 2022), which clarified that procedural defects render orders voidable, not void, which require a motion to vacate.

Both AZ Rules of Civil Appellate procedure Rule 6(b)(2) and AZ Rules of Civil Procedure 60 (b)(1)(6), allows for the order to be vacated.

The Reply needs to be reinstated since it would be highly prejudicial to not allow it. It is necessary to restore fairness, since the striking of the reply was done by a team member of the law firm Parsons retained and paid, and issues from the original lawsuit remain pending before this Court. Appellant is adversely affected by the order to strike the reply.

The motion is timely and filed within 15 days of the order.

CONCLUSION

Appellant requests that the Court vacate the strike order and reinstate the reply.

Dated: 11/23/2025

/s/

Toby Harris, Pro Se

13602 N. 44th St. #149, Phoenix AZ

85032

Address

CERTIFICATE OF SERVICE

I, Toby Harris declare that opposing counsel and non party counsel were served this document by Turbo Court service on 11/23/2025:

Sally Odegard
Stephen Hopkins
Jackie Pakula

 /S/
Toby Harris, Pro Se
11/23/25