

# EXHIBIT 5

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 RECUSE JUSTICE  
KATHRYN KING

\_\_\_\_\_  
[Appellant/Appellee].

## **INTRODUCTION**

This Motion seeks recusal of Justice Kathryn King on the grounds of appearance of impropriety, integrity of proceedings, bias, traceable financial interest, due process, and conflict of interest.

## **BACKGROUND AND ARGUMENT**

On November, 17<sup>th</sup> 2025 Justice Kathryn King issued an order in this matter striking down the Defendant/Petitioners reply brief on procedural rule, Rule 23(f)(4), which requires that a petitioner wait for an invitation from the Court to file a reply. This conflicts with AZ Rules of Civil Procedure Rule 6(a)(2) which states, “Any party may file a response to a motion within 10 days of service of the motion. The moving party may file a reply within 5 days.”. And, AZ Rules of civil Procedure Rule 13 (b)(c), “If the Appellant files a reply brief, it must be strictly confined to rebuttal of points made in the appellees answering brief. A party may file an additional brief after a reply only with the appellate courts permission” , which amounts to a sur reply.

The order is voidable as filed due the authoring Justice and Constitutional right. The reply brief contained a fundamental rights argument, involving Abdication of

Constitutional rights by the AZ Court of Appeals, which is not subject to procedural rules which this Court determined in, *Dombey v Phoenix Newspapers, Inc.* 150 Ariz. 476,724 p2d 562 (1986), since Dombey preempts the procedural rule requiring invitation or any waiver, to enter a new argument of statewide importance in a reply brief, King's striking the reply brief conflicts with Constitutional right under Dombey which allows for it. Voidable orders force the non-elite to bear the burden of undoing judicial error. This burden shifting itself is unconstitutional because courts cannot abdicate thier duty and then force litigants to clean up the breach. At the very least Rule 23 (f)(4) should be footnoted by legislature to allow a reply brief which contains a fundamental argument of statewide importantance without the need for an invitation from the Surpreme Court, since case law allows for it.

Justice Kathryn King comes from the law firm Burns Barton, where she was a partner of the law firm.<sup>1</sup> Burns Barton has since merged into Fennemore. The original muzzle/vexatious order was filed by Justice King's law firm, Burns Barton during the litigation captioned *Corbin et al. v. Godaddy* AZ Superior Court CV2010-016149<sup>2</sup>, on June, 9<sup>th</sup>, 2020, which struck down Harris's Consitutional right to free access to the court. At the time, Harris was attempting

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<sup>1</sup> [https://en.wikipedia.org/wiki/Kathryn\\_Hackett\\_King](https://en.wikipedia.org/wiki/Kathryn_Hackett_King) , “In 2017, King became a partner at the woman-owned law firm Burns Barton, where she practiced employment law”

<sup>2</sup> <http://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseInfo.asp?caseNumber=CV2010-016149> , Ben Naylor was a Partner at Burns Barton at the time,

to submit evidence of an internal Godaddy email in which executives agreed that Harris was correct, that commissions were in fact guaranteed to the employees. Godaddy had thier law firm, Burns Barton, silence Harris via filing of a vexatous litigant order blocking access to the Court. The billionaire, Parsons, then ascended to the ranks of the ultra wealthy leaving thousands of Godaddy crime victims and made golf clubs with the proceeds, never reimbursng his crime victims.

Harris argued in the instant matter that the author of the vexatious order in Corbin, Judge Pamela Gates, was actually at the time the order was written, a Business partner of Parsons via a golf club manufacturing contract between PXG and Ping/Karsten manufacturing the COA below allowed for Parsons to ignore the subpoena which required turning over all the documents between the two organizations. This due process issue is also an issue in the reply brief which Justice King struck.

Now all the evidence between PXG and Ping has been destroyed, which is the matter in front of this Court, contingent on if the reply is allowed to be revived. If Justice King's law firm was counsel in the vexatious order to silence Harris, she has already taken an adverse position against Harris. This appears more as an act of self preservation than procedural enforcement, and Justice King is striking a necessary defense argument when the Defendant has already been compromised

by the Courts via irrational overreach in the non enforcement of discovery subpoena, striking of his free access to the Courts, striking of free speech, the defendant is not allowed to do anything before the AZ Courts except stand there and get ruled against and present absolutely no defense, while his guaranteed Constitutional rights are left silent by the Courts sworn to uphold them. This creates a reasonable perception of bias and a financial conflict. see, attached affidavit. Recusal is necessary to preserve public confidence in the Judiciary, pursuant to A.R.S. Sup Ct. Rule, Rule 81, Code of Jud. Conduct, Rule 2.11, disqualification (A)(1)

**CONCLUSION**

Petitioner respectfully moves for the recusal of Justice King from further participation in this matter.

Dated: 11/22/25

John Alami  
Name  
13600 N 44<sup>th</sup> St # 149 Phoenix  
Address  
AZ  
85032


**AFFIDAVIT IN SUPPORT OF MOTION TO RECUSE**

I, Toby Harris, declare under penalty of perjury as follows:

1. I am the defendant in the above captioned matter.
2. This affidavit is submitted in support of my Motion to Recuse Justice Kathryn King pursuant to A.R.S. Sup Ct. Rule, Rule 81, Code of Jud. Conduct, Rule 2.11, disqualification (A)(1)
3. On information and belief, Justice King was previously a partner at Burns Barton.
4. Burns Barton PLC has represented parties whose interest are directly implicated in this litigation, creating an appearance of partiality.
5. Justice King's prior affiliation with Burns Barton PLC raises reasonable questions regarding impartiality in these proceedings.
6. It is already acknowledged by both parties that Bob Parsons, the plaintiff, was the majority shareholder of Godaddy at the time.
7. I respectfully request that Justice King be recused from any further involvement in this matter.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/22/25 at Phoenix, AZ.

  
\_\_\_\_\_

Toby Harris



  
11-22-2025