

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2026-0071

DIANA DIZOGLIO, State Auditor

v.

RONALD MARIANO, Speaker of the House, & others¹; ATTORNEY GENERAL,
intervener.

RESERVATION AND REPORT

This matter came before the court, Wendlandt, J., on a complaint filed by the State Auditor, represented by her office's general counsel, seeking to enforce document requests she made on each chamber of the State Legislature in connection with an audit pursuant to G. L. c. 11, § 12, as amended in 2024 by an initiative petition. The Attorney General filed an unopposed motion to intervene, which I allowed. Before me now is the Attorney General's motion to strike the complaint. The Attorney General contends that the State Auditor improperly commenced this action without her authorization pursuant to G. L. c. 12, § 3. The State Auditor contends that the Attorney General has exceeded the bounds of her authority under that statute by acting "in a capricious, arbitrary or illegal manner in refusing to represent a

¹ Karen E. Spilka, Senate President; Timothy Carroll, House Clerk; and Michael D. Hurley, Senate Clerk.

governmental body." See Secretary of Admin. & Fin. v. Attorney General, 367 Mass. 154, 159 n.4 (1975).

I find that the issues raised by the motion to strike warrant consideration by the full court. Accordingly, I hereby reserve and report the motion to strike, without decision, for determination by the Supreme Judicial Court for the Commonwealth.² In the unusual circumstances of this case, the facts relevant to the motion to strike are amply set forth in the materials already submitted by the parties, particularly the correspondence between Office of the State Auditor and the Attorney General's Office. For that reason, I will not require the parties to submit a separate statement of agreed facts. The record before the full court shall consist of the following:

- (1) all papers filed in SJ-2026-0071;
- (2) the docket sheet for SJ-2026-0071; and
- (3) this court's reservation and report.

This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure. For purposes of this reservation and report, the Attorney General and the defendants shall be deemed the appellants and the State Auditor shall be deemed the appellee.

² To be clear, at this time, I am not reporting or deciding the merits of the State Auditor's dispute with the Legislature. The motion to strike presents threshold issues that must be resolved first.

By the Court,

/s/ Dalila Arguez Wendlandt

Dalila Arguez Wendlandt
Associate Justice

Dated: March 18, 2026