

1 Daniel C. Barr (# 010149)  
Sarah R. Gonski (# 032567)  
2 PERKINS COIE LLP  
2901 North Central Avenue, Suite 2000  
3 Phoenix, Arizona 85012-2788  
Telephone: (602) 351-8000  
4 Facsimile: (602) 648-7000  
DBarr@perkinscoie.com  
5 SGonski@perkinscoie.com

6 *Attorneys for Plaintiffs*

7 Roopali H. Desai (# 024295)  
Andrew S. Gordon (# 003660)  
8 D. Andrew Gaona (# 028414)  
COPPERSMITH BROCKELMAN PLC  
9 2800 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004  
10 Telephone: (602) 381-5478  
RDesai@cblawyers.com  
11 AGordon@cblawyers.com  
AGaona@cblawyers.com  
12

13 *Attorneys for Intervenor-Plaintiff  
Bernie 2016, Inc.*

14 *[Additional Counsel Listed on Signature Page]*

15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF ARIZONA  
17

18 Leslie Feldman, et al.,  
19 Plaintiffs,  
20 v.  
21 Arizona Secretary of State’s Office, et al.,  
22 Defendants.

No. CV-16-01065-PHX-DLR

**PLAINTIFFS’ JOINT MOTION  
FOR PRELIMINARY  
INJUNCTION OF H.B. 2023**

**(ORAL ARGUMENT ON  
AUGUST 3, 2016)**

23  
24 Plaintiffs Leslie Feldman, Luz Magallanes, Mercedes Hymes, Julio Morera, Cleo  
25 Ovalle, Former Chairman and First President of the Navajo Nation Peterson Zah, the  
26 Democratic National Committee (“DNC”), the DSCC, the Arizona Democratic Party,  
27 Kirkpatrick for U.S. Senate, and Hillary for America, jointly with Plaintiff-Intervenor  
28 Bernie 2016, Inc. (collectively, “Plaintiffs”), hereby move for a preliminary injunction

1 pursuant to Federal Rule of Civil Procedure 65 to enjoin Defendants from implementing  
2 and enforcing a recently enacted law criminalizing the mere possession of absentee ballots  
3 (“H.B. 2023”).

4 This motion is based upon the Amended Complaint, [Doc. 12], the following  
5 memorandum of points and authorities and accompanying declarations and exhibits,  
6 including expert reports by David R. Berman, Ph.D. and Dr. Allan Lichtman, as well as  
7 such further evidence and arguments as may be presented. Per the Court’s order, [Doc.  
8 63], Plaintiffs file this motion contemporaneously with a motion for preliminary  
9 injunction addressing the allocation of polling locations in Maricopa County and  
10 Arizona’s practice of not counting out-of-precinct provisional ballots. To avoid  
11 duplicative briefing, sections of that brief are adopted by reference herein where noted.  
12

13 Dated: June 10, 2016

*s/ Daniel C. Barr*

Daniel C. Barr (# 010149)  
Sarah R. Gonski (# 032567)  
PERKINS COIE LLP  
2901 North Central Avenue, Suite 2000  
Phoenix, Arizona 85012-2788

Marc E. Elias (WDC# 442007)\*  
Bruce V. Spiva (WDC# 443754)\*  
Elisabeth C. Frost (WDC# 1007632)\*  
Amanda R. Callais (WDC# 1021944)\*  
700 Thirteenth Street N.W., Suite 600  
Washington, D.C. 20005-3960  
MElias@perkinscoie.com  
BSpiva@perkinscoie.com  
EFrost@perkinscoie.com  
ACallais@perkinscoie.com

*Attorneys for Leslie Feldman; Luz  
Magallanes; Mercedes Hymes; Julio  
Morera; Cleo Ovalle; Former Chairman  
and First President of the Navajo Nation  
Peterson Zah; Democratic National  
Committee; DSCC a.k.a. Democratic  
Senatorial Campaign Committee; Arizona  
Democratic Party, Kirkpatrick for Senate;  
and Hillary for America*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Roopali H. Desai (# 024295)  
Andrew S. Gordon (# 003660)  
D. Andrew Gaona (# 028414)  
COPPERSMITH BROCKELMAN PLC  
RDesai@cblawyers.com  
AGordon@cblawyers.com  
AGaona@cblawyers.com

Malcolm Seymour\*  
GARVEY SCHUBERT BAKER  
100 Wall Street, 20th Floor  
New York, New York 10005-3708  
Telephone: (212) 965-4533  
mseymour@gsblaw.com

*Attorneys for Intervenor-Plaintiff  
Bernie 2016, Inc.*

\*Admitted pro hac vice

RETRIEVED FROM DEMOCRACYDOCKET.COM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2016, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and a Notice of Electronic Filing was transmitted to counsel of record.

s/ Daniel R. Graziano

RETRIEVED FROM DEMOCRACYDOCKET.COM