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27 **IN THE UNITED STATES DISTRICT COURT**
28 **FOR THE DISTRICT OF ARIZONA**

29 Kari Lake and Mark Finchem,
30
31 Plaintiffs,

32 vs.

33 Kathleen Hobbs, et al.,
34
35 Defendants.

No. 2:22-cv-00677-JJT

**MARICOPA COUNTY DEFENDANTS’
RESPONSE OPPOSING PLAINTIFFS’
EXPEDITED REQUEST TO
SUPPLEMENT THE RECORD [DOC.
93]**

(Honorable John J. Tuchi)

1 Plaintiffs have filed a request to supplement the record with “a declaration from Ms.
2 Busch together with exhibits consisting of the video footage, access logs, and other related
3 data.” [Doc. 93, Plaintiffs’ Expedited Request to Supplement the Record.] The Maricopa
4 County Defendants **oppose** Plaintiffs’ request.

5 First, this Court has already held the evidentiary hearing in this matter. New witness
6 testimony is therefore improper.

7 Second, the Maricopa County Defendants should have the right to cross-examine Ms.
8 Busch if her testimony is going to be considered by this Court. Because the hearing has
9 already happened, there will be no opportunity for the Maricopa County Defendants to do
10 so. Thus, the veracity of Ms. Busch’s declaration-statements will remain untested.

11 Notably, there is significant difference between the Notice of Supplemental Authority
12 the Maricopa County Defendants filed jointly with the Secretary of State [Doc. 94], and
13 Plaintiffs’ proposed filing. The Notice of Supplemental Authority alerted this Court to an
14 official letter sent by the Arizona Attorney General to Senate President Fann, alerting her to
15 his official findings concerning whether ballots were fraudulently cast in the names of
16 deceased voters. That letter is an official government record, of which this Court can take
17 judicial notice. Unlike Plaintiffs’ proposed declaration, it is not witness testimony, nor does
18 it seek to offer exhibits after the evidentiary hearing.

19 For the foregoing reasons, the Maricopa County Defendants ask this Court to deny
20 Plaintiffs’ Expedited Request to Supplement the Record.

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RESPECTFULLY SUBMITTED this 2nd day of August, 2022.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: /s/ Karen Hartman-Tellez
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CERTIFICATE OF SERVICE

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I hereby certify that on August 2, 2022 I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants on record.

/s/ V. Sisneros

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