

1 LATHAM & WATKINS LLP  
Sadik Huseny (pro hac vice)  
2 *sadik.huseny@lw.com*  
Amit Makker (pro hac vice)  
3 *amit.makker@lw.com*  
505 Montgomery Street, Suite 2000  
4 San Francisco, CA 94111-6538  
Telephone: (415) 391-0600  
5 Facsimile: (415) 395-8095

6 ASIAN AMERICANS ADVANCING  
JUSTICE-AAJC  
7 Niyati Shah (pro hac vice)  
*nshah@advancingjustice-aajc.org*  
8 Terry Ao Minnis (pro hac vice)  
*tminnis@advancingjustice-aajc.org*  
9 1620 L Street NW, Suite 1050  
Washington, DC 20036  
10 Telephone: (202) 296-2300  
Facsimile: (202) 296-2318

11 SPENCER FANE  
12 Andrew M. Federhar (No. 006567)  
*afederhar@spencerfane.com*  
13 2415 East Camelback Road, Suite 600  
Phoenix, AZ 85016  
14 Telephone: (602) 333-5430  
Facsimile: (602) 333-5431

15 *Attorneys for Plaintiff*

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17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF ARIZONA  
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21 Arizona Asian American Native Hawaiian  
And Pacific Islander For Equity Coalition,

22 Plaintiff,

23 v.

24 Katie Hobbs, in her official capacity as  
25 Arizona Secretary of State; et al.,

26 Defendants.  
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Case No.: CV-22-01381-PHX-SRB

**STIPULATED ORDER REGARDING  
MOTION FOR PRELIMINARY  
INJUNCTION**

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1 **1. PREAMBLE**

2 Plaintiff Arizona Asian American Native Hawaiian and Pacific Islander for Equity  
3 Coalition (“**Plaintiff**”) and Defendant Katie Hobbs, in her official capacity as Arizona  
4 Secretary of State; Defendant Mark Brnovich, in his official capacity as Arizona Attorney  
5 General; and the County Recorder Defendants, Apache County Recorder Larry Noble;  
6 Cochise County Recorder David W. Stevens; Coconino County Recorder Patty Hansen;  
7 Gila County Recorder Sadie Jo Bingham; Graham County Recorder Wendy John;  
8 Greenlee County Recorder Sharie Milheiro; La Paz County Recorder Richard Garcia;  
9 Maricopa County Recorder Stephen Richer; Mohave County Recorder Kristi Blair;  
10 Navajo County Recorder Michael Sample; Pima County Recorder Gabriella Cázares-  
11 Kelly; Pinal County Recorder Virginia Ross; Santa Cruz County Recorder Suzanne  
12 Sainz; Yavapai County Recorder Michelle M. Burchill; and Yuma County Recorder  
13 Richard Colwell, in their official capacities, (collectively, “**Defendants**”) hereby stipulate  
14 and agree to, and request the Court order, as follows with respect to Plaintiff’s pending  
15 Motion for Preliminary Injunction (“**Motion**”), ECF No. 32:

16 **2. PREMISES**

17 WHEREAS, Plaintiff filed its Complaint on August 16, 2022, ECF No. 1, and has  
18 effectuated service on all Defendants, ECF Nos. 15-31;

19 WHEREAS, Plaintiff alleges, among other things, that Arizona House Bill 2243  
20 (“H.B. 2243”) is in contravention of the U.S. Constitution and the National Voter  
21 Registration Act (“NVRA”);

22 WHEREAS, the time for each Defendant to file a responsive pleading to Plaintiff’s  
23 Complaint has not yet come to pass;

24 WHEREAS, on August 25, 2022, Plaintiff filed its Motion and requested an  
25 expedited hearing date, asserting among other things that H.B. 2243 is a voter purge bill  
26 targeted at voters of color and naturalized voters, with sweeping near-term effects on the  
27 upcoming November election;

28

1 WHEREAS, Plaintiff also asserted in its Motion that it had asked the Defendants  
2 their positions on H.B. 2243 in an effort to avoid motion practice, but that the positions  
3 were not uniform, and that Plaintiff believed a preliminary injunction was therefore  
4 necessary to preserve the status quo and protect the right to vote by all citizens in Arizona—  
5 whatever their race, country of origin, or path taken to citizenship;

6 WHEREAS, on August 30, 2022, the Court set a hearing date of September 8, 2022  
7 and ordered that Defendants file any oppositions to Plaintiff’s Motion for Preliminary  
8 Injunction by September 6, 2022 (ECF No. 38);

9 WHEREAS, the parties have engaged in discussions regarding the possibility of  
10 resolving certain aspects of Plaintiff’s Motion—namely, resolving Plaintiff’s allegations  
11 and assertions regarding imminent harm related to the upcoming November 8, 2022  
12 election—while deferring for the time being resolution of other aspects of Plaintiff’s  
13 Motion as to which the parties have differing views (namely, whether H.B. 2243 comports  
14 with constitutional or federal law, Plaintiff’s likelihood of success on the merits, or the  
15 appropriate full length of a preliminary injunction), and have reached agreement to so  
16 proceed;

17 WHEREAS, specifically, the parties agree that the provisions of H.B. 2243 should  
18 not operate in a manner that would prevent any voter from (1) voting in the upcoming  
19 November 2022 general election or (2) having their vote be counted;

20 WHEREAS, the Secretary of State and Attorney General further agree that the H.B.  
21 2243’s amendments to A.R.S. § 16-165 are not effective until January 1, 2023 because the  
22 bill’s language provides that it “AMEND[S] SECTION 16-165, ARIZONA REVISED  
23 STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 99, SECTION 8,” and the  
24 latter law is not effective until January 1, 2023;

25 WHEREAS, the County Recorder Defendants agree and will abide by the Secretary  
26 of State and the Attorney General’s interpretation of the effective date of H.B. 2243’s  
27 amendments to A.R.S. § 16-165, as set forth above.

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1 **3. STIPULATED ORDER REGARDING MOTION FOR PRELIMINARY**  
2 **INJUNCTION**

3 NOW, THEREFORE, THE PARTIES JOINTLY STIPULATE AND REQUEST  
4 THE COURT ORDER AS FOLLOWS:

5 1. No Defendant (including their officers, agents, employees, and all other  
6 persons in active concert or participation with them) shall take any action to implement or  
7 enforce H.B. 2243 in a manner that would remove any voter’s eligibility to vote in the 2022  
8 general election or disqualify any otherwise-valid ballot on the basis of H.B. 2243.

9 2. No Defendant (including their officers, agents, employees, and all other  
10 persons in active concert or participation with them) shall take any action to implement or  
11 enforce H.B. 2243’s amendments to A.R.S. § 16-165 (e.g., as set forth in H.B. 2243,  
12 particular database reviews/investigations, distribution of letters, cancellation of voters’  
13 registrations, referral for criminal investigation) before January 1, 2023.

14 3. Plaintiff’s Motion for Preliminary Injunction (ECF No. 32) is resolved by  
15 this Stipulated Order.

16 4. Nothing in this Stipulated Order shall constitute or be construed to  
17 constitute an admission of any wrongdoing or liability by Defendants or an admission by  
18 Defendants of the truth of any allegations or the validity of any claim asserted in this case.

19 5. Nothing in this Stipulated Order shall constitute or be construed to  
20 constitute a concession, prohibition, or limitation on Plaintiff’s claims or assertions in this  
21 case or ability to bring a subsequent motion for injunctive relief regarding H.B. 2243 or to  
22 modify this order in any respect, including as to the overall length of any injunction  
23 prohibiting implementation or enforcement of H.B. 2243.

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1 Dated: September 8, 2022

Respectfully submitted,

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By /s/ Amit Makker

3

LATHAM & WATKINS LLP  
Sadik Huseny (*pro hac vice*)  
Amit Makker (*pro hac vice*)  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111-6538  
Telephone: (415) 391-0600  
Facsimile: (415) 395-8095

4

5

6

ASIAN AMERICANS ADVANCING  
JUSTICE-AAJC  
Niyati Shah (*pro hac vice*)  
Terry Ao Minnis (*pro hac vice*)  
1620 L Street NW, Suite 1050  
Washington, DC 20036  
Telephone: (202) 296-2300  
Facsimile: (202) 296-2318

7

8

9

10

11

SPENCER FANE  
Andrew M. Federhar (No. 006567)  
2415 East Camelback Road, Suite 600  
Phoenix, AZ 85016  
Telephone: (602) 333-5430  
Facsimile: (602) 333-5431

12

13

14

*Attorneys for Plaintiff*

15

16 Dated: September 8, 2022

Respectfully submitted,

17

By /s/ D. Andrew Gaona (w/ permission)

18

Coppersmith Brockelman PLC  
D. Andrew Gaona  
Kristen Michelle Yost  
2800 N. Central Ave., Ste. 1900  
Phoenix, AZ 85004

19

20

States United Democracy Center –  
Tempe AZ  
Sambo Dul  
8205 S. Priest Dr., Ste. #10312  
Tempe, AZ 85284

21

22

23

*Attorneys for Defendant Secretary of  
State Katie Hobbs*

24

25

26 Dated: September 8, 2022

Respectfully submitted,

26

27

By /s/ Drew Ensign (w/ permission)

28

Brunn Wall Roysden, III  
Drew Curtis Ensign  
Office of the Attorney General – Phoenix

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Phoenix, AZ 85004-1592

*Attorneys for Defendant Attorney  
General Mark Brnovich*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Celeste Robertson (w/ permission)  
Apache County Attorney's Office  
Celeste Robertson  
245 West 1st South  
St. Johns, AZ 85936

*Attorney for Defendant Apache County  
Recorder Larry Noble*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Christine J. Roberts (w/permission)  
Cochise County Attorney's Office  
Christine J. Roberts  
Paul Correa  
P.O. Drawer CA  
Bisbee, Arizona 85603

*Attorneys for Defendant Cochise County  
Recorder David W. Stevens*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Rose Winkeler (w/ permission)  
FLAGSTAFF LAW GROUP  
Rose Winkeler  
702 North Beaver Street  
Flagstaff, Arizona 86001  
(928) 233-6800

*Attorney for Defendant Coconino County  
Recorder Patty Hansen*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Jefferson R. Dalton (w/ permission)  
Jefferson R. Dalton  
Deputy County Attorney  
Office of the Gila County Attorney  
1400 E. Ash St.  
Globe, AZ 85501  
(928) 425-8630

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*Attorney for Defendant Gila County  
Recorder Sadie Jo Bingham*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Jean A. Roof (w/ permission)  
Graham County Attorney's Office  
Jean A. Roof  
800 Main Street  
Safford, Arizona 85546

*Attorney for Defendant Graham County  
Recorder Wendy John*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Jeremy Ford (w/ permission)  
Greenlee County Attorney's Office  
Jeremy Ford  
P.O. Box 1717  
Clifton, Arizona 85534

*Attorney for Defendant Greenlee County  
Recorder Sharie Milheiro*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Laura Roubicek (w/ permission)  
Santa Cruz County Attorney's Office  
Kimberly J. Hunley  
Laura L. Roubicek  
2150 N. Congress Drive, Suite 201  
Nogales, Arizona 85621

La Paz County Attorney's Office  
Jason Mitchell  
1320 Kofa Avenue  
Parker, Arizona 85344

*Attorneys for Defendant La Paz County  
Recorder Richard Garcia*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Anna G. Critz (w/ permission)  
Maricopa County Attorney's Office  
Anna G. Critz  
Joseph E. La Rue  
225 West Madison Street  
Phoenix, Arizona 85003  
(602) 506-8541

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*Attorney for Defendant Maricopa County  
Recorder Stephen Richer*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Ryan H. Esplin (w/ permission)  
Mohave County Attorney's Office  
Ryan H. Esplin  
Mohave County Attorney Office – Civil  
Division  
P.O. Box 7000  
Kingman, Arizona 86402-7000

*Attorney for Defendant Mohave County  
Recorder Kristi Blair*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Jason S. Moore (w/ permission)  
Navajo County Attorney's Office  
Jason S Moore  
P.O. Box 668  
Holbrook, Arizona 86025

*Attorney for Defendant Navajo County  
Recorder Michael Sample*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Daniel Jurkowitz (w/ permission)  
Pima County Attorney's Office  
Daniel Jurkowitz  
Pima County Attorney's Office, Civil  
Division  
32 N. Stone #2100  
Tucson, Arizona 85701

*Attorney for Defendant Pima County  
Recorder Gabriella Cázares-Kelly*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Craig Cameron (w/ permission)  
Pinal County Attorney's Office  
Craig Cameron  
P.O. Box 887  
Florence, Arizona 85132

*Attorney for Defendant Pinal County  
Recorder Virginia Ross*

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Dated: September 8, 2022

Respectfully submitted,

By /s/ Kimberly J. Hunley (w/ permission)  
Santa Cruz County Attorney's Office  
Kimberly J. Hunley  
Laura L. Roubicek  
2150 N. Congress Drive, Suite 201  
Nogales, Arizona 85621

*Attorneys for Defendant Santa Cruz  
County Recorder Suzanna Sainz*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Colleen Connor (w/ permission)  
M. Colleen Connor  
Deputy Yavapai County Attorney  
255 E. Gurley Street, 3rd Floor  
Prescott, Arizona 86301

*Attorney for Defendant Yavapai County  
Recorder Michelle M. Burchill*

Dated: September 8, 2022

Respectfully submitted,

By /s/ Minda M. Davy (w/ permission)  
Yuma County Attorney's Office  
William J. Kerekes  
Minda M. Davy  
250 W. 2nd Street, Suite G  
Yuma, Arizona 85364

*Attorneys for Defendant Yuma County  
Recorder Richard Colwell*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of September, 2022, I caused the foregoing to be filed and served electronically via the Court’s CM/ECF system upon counsel of record. For parties whose counsel have not yet entered an appearance, copies of this motion have bene served via electronic mail and/or mail.

David Andrew Gaona  
Kristen Michelle Yost  
Coppersmith Brockelman PLC  
2800 N. Central Ave., Ste. 1900  
Phoenix, AZ 85004  
agaona@cblawyers.com  
kyost@cblawyers.com

Sambo Dul  
States United Democracy Center – Tempe, AZ  
8205 S. Priest Dr., Ste. #10312  
Tempe, AZ 85284  
bo@statesuniteddemocracy.org

*Counsel for Defendant Secretary of State Katie Hobbs*

Bruhn Wall Roysden, III  
Drew Curtis Ensign  
Office of the Attorney General – Phoenix  
Phoenix, AZ 85004-1592  
beau.roysden@azag.gov  
drew.ensign@azag.gov

*Counsel for Defendant Arizona Attorney General Mark Brnovich*

Apache County Recorder Larry Noble  
Apache County Recorder’s Office  
75 West Cleveland St.  
P.O. Box 425  
St. Johns, AZ 85936

Celeste M Robertson  
crobertson@apachelaw.net

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*Counsel for Defendant Apache County Recorder Larry Noble*

Cochise County Recorder David W. Stevens  
Cochise County Recorder's Office  
1415 Melody Lane  
Building B  
Bisbee, AZ 85603

Paul Correa  
pcorrea@cochise.az.gov  
Christine Roberts  
croberts@cochise.az.gov  
Dawn Gonzales  
dgonzales@cochise.az.gov

*Counsel for Defendant Cochise County Recorder David W. Stevens*

Rose Winkeler  
FLAGSTAFF LAW GROUP  
702 North Beaver Street  
Flagstaff, Arizona 86001  
(928) 233-6800  
rose@flaglawgroup.com

*Counsel for Defendant Coconino County Recorder Patty Hansen*

Jefferson R. Dalton  
Deputy County Attorney  
1400 E. Ash St.  
Globe, AZ 85501  
(928) 425-8630  
jdalton@gilacountyaz.gov

*Counsel for Defendant Gila County Recorder Sadie Jo Bingham*

Graham County Recorder Wendy John  
Graham County Recorder's Office  
921 Thatcher Boulevard  
2nd Floor  
Safford, AZ 85546

Jean Ann Roof  
jroof@graham.az.gov

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*Counsel for Defendant Graham County Recorder Wendy John*

Greenlee County Recorder Sharie Milheiro  
Greenlee County Recorder's Office  
253 Fifth St.  
P.O. Box 1625  
Clifton, AZ 85533

Jeremy Ford  
jford@greenlee.az.gov

*Counsel for Defendant Greenlee County Recorder Sharie Milheiro*

La Paz County Recorder Richard Garcia  
La Paz County Recorder's Office  
1112 Joshua Avenue  
#201  
Parker, AZ 85344

Laura Roubicek  
lroubicek@santacruzcountyaz.gov  
Kimberly Hunley  
khunley@santacruzcountyaz.gov  
Jason Mitchell  
jmittchell@lapazcountyaz.org

*Counsel for Defendant La Paz County Recorder Richard Garcia*

Anna G. Critz  
Joseph E. La Rue  
MARICOPA COUNTY ATTORNEY'S OFFICE  
CIVIL SERVICES DIVISION  
225 West Madison Street  
Phoenix, Arizona 85003  
(602) 506-8541  
critza@mcao.maricopa.gov  
laruej@mcao.maricopa.gov  
ca-civilmailbox@mcao.maricopa.gov

*Counsel for Defendant Maricopa County Recorder Stephen Richer*

Mohave County Recorder Kristi Blair  
Mohave County Recorder's Office

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28

700 W. Beale Street  
Kingman, AZ 86401

Ryan Esplin  
esplir@mohave.gov

*Counsel for Defendant Mohave County Recorder Kristi Blair*

Jason S Moore  
Deputy County Attorney  
P.O Box 668  
Holbrook, AZ 86025  
(928) 521-4307  
jason.moore@navajocountyaz.gov

*Counsel for Defendant Navajo County Recorder Michael Sample*

Pima County Recorder Gabriella Cázares-Kelly  
Pima County Recorder's Office  
240 N Stone Avenue  
Tucson, AZ 85701

Daniel S Jurkowitz  
Daniel.Jurkowitz@pcao.pima.gov

*Counsel for Defendant Pima County Recorder Gabriella Cázares-Kelly*

Pinal County Recorder Virginia Ross  
Pinal County Recorder's Office  
31 N Pinal Street  
Building E  
Florence, AZ 85132

Craig Charles Cameron  
craig.cameron@pinal.gov

*Counsel for Defendant Pinal County Recorder Virginia Ross*

Santa Cruz County Recorder Suzanne Sainz  
Santa Cruz County Recorder's Office  
2150 N. Congress Drive  
Suite 101  
Nogales, AZ 85621

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James J D'Antonio  
jdantonio@santacruzcountyaz.gov  
Kimberly Janiece Hunley  
khunley@santacruzcountyaz.gov  
Laura Roubicek  
lroubicek@santacruzcountyaz.gov

*Counsel for Defendant Santa Cruz County Recorder Suzanne Sainz*

Yavapai County Recorder Michelle M. Burchill  
Yavapai County Recorder's Office  
1015 Fair Street  
Prescott, AZ 86305

M Colleen Connor  
colleen.connor@yavapaiaz.gov  
Thomas M Stoxen  
thomas.stoxen@yavapaiaz.gov

*Counsel for Defendant Yavapai County Recorder Michelle M. Burchill*

William J Kerekes  
Minda M. Davy  
Office of the Yuma County Attorney  
250 West Second Street, Suite G  
Yuma, Arizona 85364  
bill.kerekes@yumacountyaz.gov  
minda.davy@yumacountyaz.gov  
YCAAttyCivil@yumacountyaz.gov

*Counsel for Defendant Yuma County Recorder Richard Colwell*

/s/ Amit Makker  
Amit Makker