

1 Roy Herrera (032907)  
roy@ha-firm.com  
2 Daniel A. Arellano (032304)  
daniel@ha-firm.com  
3 Jillian L. Andrews (034611)  
jillian@ha-firm.com  
4 Austin T. Marshall (036582)  
austin@ha-firm.com  
5 HERRERA ARELLANO LLP  
6 1001 North Central Avenue, Suite 404  
Phoenix, AZ 85004  
7 Telephone: (602) 567-4820

8 Aria C. Branch\* (DC Bar #1014541)  
abbranch@elias.law  
9 Lalitha D. Madduri\* (DC Bar #1659412)  
lmadduri@elias.law  
10 Christina Ford\* (DC Bar #1655542)  
cford@elias.law  
11 Mollie DiBrell\* (DC Bar #90002189)  
mdibrell@elias.law  
12 Daniel Cohen\* (DC Bar #90001911)  
dcohen@elias.law  
13 ELIAS LAW GROUP LLP  
14 10 G St. NE, Suite 600  
Washington, D.C. 20002  
15 Telephone: (202) 968-4490  
16 Facsimile: (202) 968-4498

17 \* *Pro Hac Vice Application Forthcoming*

18 *Attorneys for Proposed Intervenors-Defendants*  
19 *Arizona Alliance for Retired Americans, Inc.*  
*and Stephani Stephenson*

20  
21 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF COCHISE

22 TOM CROSBY and PEGGY JUDD, in  
23 their official capacities as elected  
24 members of the Cochise County Board of  
Supervisors, DOE X;

25 Plaintiffs,

26 v.

No. CV202200533

27 **ARIZONA ALLIANCE FOR**  
**RETIRED AMERICANS, INC.**  
**AND STEPHANI STEPHENSON'S**  
**MOTION TO INTERVENE AS**  
**DEFENDANTS**  
28

1 LISA MARRA, Cochise County Elections  
Director,

2  
3 Defendant.

Honorable Casey F. McGinley

4  
5 **INTRODUCTION**

6 Just one week ago, this Court ordered the relief sought by the Arizona Alliance for  
7 Retired Americans, Inc., (the “Alliance”) and Cochise County voter Stephani Stephenson  
8 (together, “Proposed Intervenors”), in a separate lawsuit filed against the plaintiffs and  
9 defendant in this action. *See Ariz. All. For Ret. Ams. v. Crosby*, No. CV202200518 (Ariz.  
10 Sup. 2022) (the “Order”). The Court directed Recorder Stevens, Elections Director Marra,  
11 and any other officer in charge of elections in Cochise County to “conduct any hand count  
12 of precinct ballots or hand count audit of early ballots strictly in accordance with A.R.S. 16-  
13 602, as described in this Ruling.” Order at 11. The Court also specifically enjoined the  
14 Cochise County Board of Supervisors’ action requiring a full hand count audit of all votes  
15 cast in Cochise County in the 2022 general election.

16 Proposed Intervenors have vigorously defended the Order. By the end of last week,  
17 Proposed Intervenors had successfully opposed the Board and Recorder Stevens’ motions  
18 to expedite their appeal of the Order and to transfer the action to the Arizona Supreme Court.  
19 As a result, the Court’s Order is in place at least through November 28, 2022, which is the  
20 statutory county deadline for canvassing the 2022 general election results. A.R.S. § 16-642.  
21 In addition, this past weekend, Elections Director Marra conducted and completed the only  
22 lawful hand count audit of precinct ballots and early ballots authorized by A.R.S. § 16-602  
23 and the Court’s Order, finding “no discrepancies in any race” with “an absolute difference  
24 of zero” after successfully hand auditing 1,802 ballots.<sup>1</sup>

25 The completion of that limited audit—along with the Arizona Court of Appeals’  
26

27 <sup>1</sup> Cochise County Hand Count Audit for 2022 General Election (Nov. 12, 2022), available  
28 at <https://azsos.gov/sites/default/files/2022GeneralHandCountReport-Cochise.pdf> (last  
visited Nov. 14, 2022).

1 denial of Defendants’ motion to expedite the appeal—should have been the end of this  
2 dispute. Instead, Cochise County Supervisors Judd and Crosby have filed this new, baseless  
3 action seeking mandamus relief to force Elections Director Marra either to (1) conduct a  
4 second hand count audit of all of the ballots cast at 16 of 17 of Cochise County’s vote  
5 centers that has no basis in law, or (2) force her “to relinquish custody of the ballots to the  
6 Recorder” in violation of her statutory duties so that the Recorder may conduct an unlawful  
7 separate expanded hand count audit. Compl. at 9. In so doing, Plaintiffs Judd and Crosby  
8 functionally seek to evade the Court of Appeals’ pending jurisdiction over this dispute in  
9 order to litigate the merits a second time.

10 If granted, Plaintiffs’ requested relief would eviscerate Proposed Intervenors’ court-  
11 ordered relief and result in voters’ ballots being counted in unlawful and inconsistent ways.  
12 To defend their interests, Proposed Intervenors respectfully request that the Court grant  
13 their motion to intervene.

#### 14 **ARGUMENT**

15 Under Arizona Rule of Civil Procedure 24 and Arizona Rule of Procedure for Special  
16 Actions 2(b), a party is entitled to intervene where, on timely motion, the party “claims an  
17 interest relating to the subject of the action, and . . . disposing of the action in the person’s  
18 absence may as a practical matter impair or impede the person’s ability to protect that  
19 interest, unless existing parties adequately represent that interest.” Ariz. R. Civ. P. 24(a).  
20 Alternatively, intervention may be permitted where the motion is timely and a party “has a  
21 claim or defense that shares with the main action a common question of law or fact.” Ariz.  
22 R. Civ. P. 24(b)(1). Rule 24 is a remedial rule that “should be construed liberally in order  
23 to assist parties seeking to obtain justice in protecting their rights.” *Dowling v. Stapley*, 221  
24 Ariz. 251, 270, ¶ 58 (App. 2009). Proposed Intervenors satisfy both standards and thus, their  
25 motion to intervene should be granted. Consistent with Rule 24, Proposed Intervenors have  
26 attached an Answer to the Special Action Petition as their “pleading in intervention.”<sup>2</sup> Ariz.

27 \_\_\_\_\_  
28 <sup>2</sup> While Rule 24 requires a “pleading,” Rule 12 requires that certain defenses be asserted by

1 R. Civ. P. 24(c).

2 **I. Proposed Intervenors are entitled to intervene as of right.**

3 Proposed Intervenors are entitled to intervene as of right under Rule 24(a). The Court  
4 must allow intervention where a proposed intervenor satisfies four elements: “(1) the  
5 motion must be timely; (2) the applicant must assert an interest relating to the property or  
6 transaction which is the subject of the action; (3) the applicant must show that disposition  
7 of the action may impair or impede its ability to protect its interest; and (4) the applicant  
8 must show that the other parties would not adequately represent its interests.” *Woodbridge*  
9 *Structured Funding, LLC v. Ariz. Lottery*, 235 Ariz. 25, 28, ¶ 13 (App. 2014). Proposed  
10 Intervenors meet each of these requirements.

11 **A. The motion to intervene is timely.**

12 Proposed Intervenors timely filed this motion to intervene, which comes just one day  
13 after Plaintiffs’ suit was filed and three days before the hearing scheduled on November 18.  
14 Timeliness under Rule 24 is “flexible,” and the most important consideration “is whether  
15 the delay in moving for intervention will prejudice the existing parties to the case.” *Weaver*  
16 *v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442, 446 (App. 1989). Granting the motion would not  
17 require altering any existing deadlines. Because Proposed Intervenors’ intervention would  
18 not prejudice any party, the motion is timely.

19 **B. The disposition of this case will impair Proposed Intervenors’ ability to**  
20 **protect their interests.**

21 Proposed Intervenors are the plaintiffs in the case that resulted in the Court’s prior  
22 Order that Plaintiffs collaterally attack here. Proposed Intervenors previously sought and  
23 obtained an Order directing Defendant Marra to conduct a hand count audit “strictly in  
24 accordance with A.R.S. 16-602, as described in this Ruling.” Order at 11. Plaintiffs in this  
25 case now seek a writ of mandamus compelling Defendant Marra to conduct an unlawful  
26

27 \_\_\_\_\_  
28 motion prior to a responsive pleading. Ariz. R. Civ. P. 12(b). Accordingly, if granted  
intervention, Proposed Intervenors intend to file a motion to dismiss prior to filing their  
proposed Answer.

1 “expanded” hand count—after she has already completed the only hand count audit  
2 authorized by Arizona law—or directing Defendant Marra to relinquish custody of the  
3 ballots to the County Recorder so he can conduct an unlawful second expanded hand count.  
4 Such a ruling would render Proposed Intervenors’ previously obtained relief meaningless,  
5 and impact the ongoing legal proceedings in the earlier case, which is currently on appeal.  
6 For this reason, Proposed Intervenors have a direct interest in ensuring that their legal rights  
7 obtained in that previous litigation are protected and not undermined by this collateral  
8 attack. If Plaintiffs are successful in this action, the “judgment [will] have a direct legal  
9 effect” upon Proposed Intervenors’ rights under the prior Order. *Am. Cas. Co. of Reading*  
10 *v. United Nat’l Ins. Co.*, No. 2 CA–CV 2011–0157, 2012 WL 2415540, at \*6 ¶ 19 (Ariz.  
11 App. June 27, 2012).

12 Further, Proposed Intervenors—a registered voter in Cochise County and an  
13 organization that has over 1,200 members who are registered voters in Cochise County—  
14 have an interest in ensuring that the Cochise County Board of Supervisors conducts its hand  
15 count audit of ballots in accordance with Arizona law and in a uniform method across the  
16 State. In particular, Proposed Intervenor the Alliance, which is dedicated to promoting the  
17 franchise and safeguarding the full constitutional rights of its members in Cochise County,  
18 has an interest in ensuring that its members’ election day ballots are counted in accordance  
19 with Arizona law, which is an essential element of its members’ right to vote. *See Reynolds*  
20 *v. Sims*, 377 U.S. 533, 555 n.29 (1964) (“The right to vote includes the right to have the  
21 ballot counted.”). If the Court rules in Plaintiffs’ favor, county election officials would be  
22 forced to violate the Order that Proposed Intervenors obtained. They would also be  
23 compelled to violate the statutory requirements of Arizona law governing the handling,  
24 processing, and preservation of the ballots of Proposed Intervenor Stephenson and the  
25 Alliance. Granting Plaintiffs relief would therefore impede Proposed Intervenor Alliance’s  
26 ability to protect its members’ constitutional rights.

27 Moreover, an order compelling a second, unlawful hand count audit after Defendant  
28 Marra has already completed the only audit authorized by A.R.S. § 16-602 will sow

1 confusion and doubt about the election results, forcing Proposed Intervenor the Alliance to  
2 divert resources to a public education campaign aimed at restoring confidence in Arizona's  
3 electoral system. Accordingly, for all the reasons discussed, Proposed Intervenor have a  
4 clear interest in the subject of this action.

5 **C. Proposed Intervenor's interests are not adequately represented in this case.**

6 Proposed Intervenor's interests are not adequately represented by the parties in this  
7 special action. Plaintiffs are clearly opposed to Proposed Intervenor's interests. And  
8 Proposed Intervenor's specific interest in protecting the Order they secured in the earlier  
9 case on this very issue is not shared by Defendant Marra, who was a defendant and the  
10 subject of the Court's order in the prior case. Proposed Intervenor also have a unique  
11 interest in ensuring that their votes are not subject to unlawful procedures and unequal  
12 treatment based on a different counting method used in different counties, which is not  
13 shared with Defendant Marra as Cochise County Elections Director, because county  
14 defendants are entrusted with a general obligation to their respective residents, not a broader  
15 interest in protecting Arizona voters across the State.

16 Because Proposed Intervenor's interests are meaningfully different than those of the  
17 county election administrators who are existing parties, and because Proposed Intervenor  
18 satisfy the other requirements, Proposed Intervenor should be granted intervention as of  
19 right.

20 **II. In the alternative, Proposed Intervenor should be granted permissive**  
21 **intervention.**

22 Even if the Court were to find that Proposed Intervenor are not entitled to intervene  
23 as of right, they should be granted permissive intervention because they have "a claim or  
24 defense that shares with the main action a common question of law or fact." Ariz. R. Civ.  
25 P. 24(b)(1). In particular, Proposed Intervenor's defenses depend on the same questions of  
26 law and fact surrounding Arizona election laws regarding hand count audits.

27 When, as here, a common question of law or fact is present, Arizona courts may  
28

1 consider other factors to decide whether to grant permissive intervention, including: (1) “the  
2 nature and extent of the intervenors’ interest,” (2) “their standing to raise relevant legal  
3 issues,” (3) “the legal position they seek to advance, and its probable relation to the merits  
4 of the case,” (4) “whether the intervenors’ interests are adequately represented by other  
5 parties,” (5) “whether intervention will prolong or unduly delay the litigation,” and (6)  
6 “whether parties seeking intervention will significantly contribute to full development of  
7 the underlying factual issues in the suit and to the just and equitable adjudication of the  
8 legal questions presented.” *Bechtel v. Rose*, 150 Ariz. 68, 72 (1986). Like Rule 24(a),  
9 Arizona courts liberally construe Rule 24(b). *Id.* Here, each factor weighs in favor of  
10 permitting Proposed Intervenors’ permissive intervention.

11 *First*, Proposed Intervenors have distinct interests in ensuring that their votes, and  
12 the votes of their members, are counted in a statewide uniform matter. They also have a  
13 unique interest in protecting their previously awarded judgment from legal maneuvers that  
14 would have the effect of permitting the relevant parties to evade the Court’s order, such as  
15 this action. Proposed Intervenors also have an interest in having their votes timely counted,  
16 especially given that there were no demonstrated issues with the electronic tabulation and  
17 after the required limited hand count audit was complete without finding any discrepancies.  
18 The Alliance also has a distinct interest in avoiding the diversion of limited resources to  
19 address confusion and educate members stemming from last-minute changes to the hand  
20 count audit procedures.

21 *Second*, Proposed Intervenors may be directly harmed by the relief Plaintiffs seek in  
22 this case, which would undermine and contradict Proposed Intervenors’ previously secured  
23 court ruling. Moreover, last-minute changes to the hand count audit procedures could  
24 jeopardize ballot security and Proposed Intervenors’ interest in having each voters’ vote  
25 counted uniformly across the state.

26 *Third*, Proposed Intervenors oppose the issue at the very heart of this case: contrary  
27 to Plaintiffs’ claims, the hand count audit procedures followed by Elections Director Marra  
28 do not require continuation of the hand count audit after its completion; in fact, they

1 specifically prohibit the hand count audit from continuing.

2 *Fourth*, Proposed Intervenors' interests are distinct from those of other parties, as  
3 they represent both their organizational interests and the interests of individual voters who  
4 have interests distinct from those of the state. They also represent their interest in having  
5 their previously awarded judgment enforced against the other parties in this case, despite  
6 Plaintiffs' attempts to evade that judgment by filing this action.

7 *Fifth*, Proposed Intervenors seek intervention promptly, along with their  
8 concurrently filed proposed Answer, and thus their intervention will not delay the  
9 proceedings.

10 *Lastly*, Proposed Intervenors will contribute to the full factual development of this  
11 case because they can present evidence regarding the impact on their past ruling which is  
12 directly threatened by this action, as well as the impact on voters and organizational efforts  
13 to mobilize and educate voters.

14 Because Proposed Intervenors clearly satisfy the requirements to intervene as of  
15 right, or in the alternative, to intervene permissively, the Court should permit their  
16 intervention in this case.

## 17 CONCLUSION

18 For these reasons, Proposed Intervenors the Arizona Alliance for Retired Americans,  
19 Inc., and Stephani Stephenson respectfully request that the Court grant their Motion to  
20 Intervene as Defendants in this proceeding.

21 RESPECTFULLY SUBMITTED this 15th day of November, 2022.

22  
23 By: /s/ Jillian L. Andrews

24 Roy Herrera (032907)

roy@ha-firm.com

Daniel A. Arellano (032304)

daniel@ha-firm.com

Jillian L. Andrews (034611)

jillian@ha-firm.com

Austin T. Marshall (036582)

austin@ha-firm.com

HERRERA ARELLANO LLP

1001 North Central Avenue, Suite 404



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Phoenix, AZ 85004  
Telephone: (602) 567-4820

Aria C. Branch\* (DC Bar #1014541)  
abranh@elias.law  
Lalitha D. Madduri\* (DC Bar #1659412)  
lmadduri@elias.law  
Christina Ford\* (DC Bar #1655542)  
cford@elias.law  
Mollie DiBrell\* (DC Bar #90002189)  
mdibrell@elias.law  
Daniel Cohen\* (DC Bar #90001911)  
dcohen@elias.law  
ELIAS LAW GROUP LLP  
10 G St. NE, Suite 600  
Washington, D.C. 20002  
Telephone: (202) 968-4490  
Facsimile: (202) 968-4498

*\* Pro Hac Vice Application Forthcoming*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of November, 2022, I electronically transmitted a PDF version of this document to the Office of the Clerk of the Superior Court, Cochise County, for filing using the AZTurboCourt System. I further certify that a copy of the foregoing was sent via email this same date to:

Bryan Blehm  
THE VALLEY LAW GROUP  
bryan@thevalleylawgroup.com  
*Counsel for Board of Supervisor Plaintiffs*

Christina Estes-Werther  
Aaron Arnson  
Trish Stuhan  
PIERCE COLEMAN PLLC  
christina@piercecoleman.com  
aaron@piercecoleman.com  
trish@piercecoleman.com  
*Counsel for Cochise County Elections Director Lisa Marra*

/s/ Jillian L. Andrews

RETRIEVED FROM DEMOCRACYDOCKET.COM

# EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 Roy Herrera (032907)  
2 roy@ha-firm.com  
3 Daniel A. Arellano (032304)  
4 daniel@ha-firm.com  
5 Jillian L. Andrews (034611)  
6 jillian@ha-firm.com  
7 Austin T. Marshall (036582)  
8 austin@ha-firm.com  
9 HERRERA ARELLANO LLP  
10 1001 North Central Avenue, Suite 404  
11 Phoenix, AZ 85004  
12 Telephone: (602) 567-4820

9 Aria C. Branch\* (DC Bar #1014541)  
10 abranch@elias.law  
11 Lalitha D. Madduri\* (DC Bar #1659412)  
12 lmadduri@elias.law  
13 Christina Ford\* (DC Bar #1655542)  
14 cford@elias.law  
15 Mollie DiBrell\* (DC Bar #90002189)  
16 mdibrell@elias.law  
17 Daniel Cohen\* (DC Bar #90001911)  
18 dcohen@elias.law  
19 ELIAS LAW GROUP LLP  
20 10 G St. NE, Suite 600  
21 Washington, D.C. 20002  
22 Telephone: (202) 968-4490  
23 Facsimile: (202) 968-4498

19 \* *Pro Hac Vice Application Forthcoming*

20 *Attorneys for Proposed Intervenor-*  
21 *Defendants Arizona Alliance for Retired*  
22 *Americans, Inc. and Stephani Stephenson*

23 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
24 IN AND FOR THE COUNTY OF COCHISE

25 TOM CROSBY and PEGGY JUDD, in their  
26 official capacities as elected members of the  
27 Cochise County Board of Supervisors, DOE  
28 X,

Plaintiffs,

No.CV202200533

**[PROPOSED] ANSWER IN  
INTERVENTION**

Hon. Casey F. McGinley

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v.

LISA MARRA, in her official capacity as the  
Cochise County Elections Director,  
Defendant.

Proposed Intervenor Arizona Alliance for Retired Americans, Inc., and Stephani Stephenson (for purposes of this Answer, “Intervenor-Defendants”) answer Plaintiffs’ Verified Complaint as follows:

**SUMMARY OF CASE**

1. Intervenor-Defendants admit that the Cochise County Board of Supervisors (the “Board”) passed a resolution on October 24, 2022 directing the County Recorder or the Elections Director to perform “a hand count audit of all County precincts for the 2022 General Election to assure agreement with the voting machine count.” Intervenor-Defendants deny the remaining allegations in Paragraph 1.

2. Intervenor-Defendants admit that they filed suit against the Cochise County Board of Supervisors, Cochise County Recorder, and the Elections Director seeking to order them to perform a lawful hand count audit and enjoin them from hand counting all ballots. Intervenor-Defendants deny their action was filed on November 1, 2022.

3. Admit.

4. Intervenor-Defendants deny Plaintiffs’ characterization of the Court’s order. Otherwise, Intervenor-Defendants lack knowledge sufficient to form a belief as to whether Recorder Stevens’ selection of sixteen out of seventeen vote centers was random. To the extent a response is required, Intervenor-Defendants deny the allegation.

1           5.     Intervenor-Defendants deny Plaintiffs’ characterization of the Court’s order.  
2 Intervenor-Defendants admit that Elections Director has refused to turn over ballots to  
3 Recorder Stevens and that Elections Director Marra has completed a limited hand count  
4 audit as required under A.R.S. § 16-602. Intervenor-Defendants lack personal knowledge  
5 regarding the remainder of the allegations in Paragraph 5. To the extent Paragraph 5  
6 contains legal conclusions, no response is required.  
7

8           6.     Paragraph 6 contains legal conclusions to which no response is required.  
9

10   **JURISDICTION**

11           7.     Intervenor-Defendants incorporate by reference each of their other admissions,  
12 denials, and statements as if fully set forth in this paragraph.

13           8.     Paragraph 8 contains legal conclusions to which no response is required.  
14

15           9.     Paragraph 9 contains legal conclusions to which no response is required.  
16

17   **PARTIES**

18           10.    Intervenor-Defendants incorporate by reference each of their other  
19 admissions, denials, and statements as if fully set forth in this paragraph.

20           11.    Intervenor-Defendants admit that Plaintiffs Tom Crosby and Peggy Judd are  
21 members of the Cochise County Board of Supervisors. The remainder of the allegations in  
22 Paragraph 11 contain legal conclusions to which no response is required.  
23

24           12.    Intervenor-Defendants lack knowledge sufficient to form a belief as to whether  
25 the Cochise Board of Supervisors has had time to hold a formal meeting to authorize its  
26 participation in this litigation. Otherwise, Paragraph 12 contains legal characterizations to  
27 which no response is required.  
28

1 13. Intervenor-Defendants admit that Defendant Lisa Marra is the Cochise County  
2 Elections Director and has custody of the 2022 general election ballots. The remainder of  
3 the allegations in Paragraph 13 contain legal conclusions to which no response is required.  
4 To the extent the remainder of the allegations in Paragraph 13 contains factual allegations,  
5 they are denied.  
6

7 **FACTUAL AND PROCEDURAL BACKGROUND**

8 14. Intervenor-Defendants incorporate by reference each of their other admissions,  
9 denials, and statements as if fully set forth in this paragraph.  
10

11 15. Intervenor-Defendants admit that the Cochise County Board of Supervisors  
12 passed a resolution on October 24, 2022. Intervenor-Defendants deny Plaintiffs'  
13 characterization of the resolution and, as to the remaining allegations in Paragraph 15,  
14 Intervenor-Defendants lack personal knowledge as to the Board's beliefs.  
15

16 16. Deny.

17 17. Paragraph 17 contains legal conclusions to which no response is required.  
18

19 18. Intervenor-Defendants admit that they filed Civil Action Number CV2022-  
20 00518 against the Cochise County Board of Supervisors, the Cochise County Recorder, and  
21 the Elections Director on October 31, 2022. Intervenor-Defendants deny that that action  
22 was filed on November 1, 2022, and deny Plaintiffs' characterization of that action.  
23

24 19. Admit.

25 20. Intervenor-Defendants admit that the trial court issued a Ruling dated  
26 November 7, 2022. Intervenor-Defendants deny the remainder of the allegations in  
27 Paragraph 20.  
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21. Admit.

22. Deny.

23. Intervenor-Defendants admit that the Court’s November 7, 2022, order states that “the Cochise County Recorder, Cochise County Director of Elections, or any other officer in charge elections for Cochise County shall conduct any hand count of precinct ballots or hand count audit of early ballots strictly in accordance with A.R.S. 16-602, as described in this Ruling.” Intervenor-Defendants deny the remaining allegations in Paragraph 23.

24. Intervenor-Defendants admit that the quoted language appears in the Court’s November 7, 2022 order. Intervenor-Defendants deny the remaining allegations in Paragraph 24.

25. Intervenor-Defendants admit that the Cochise County Attorney, Brian McIntyre, sent a letter on November 10, 2022 to the attorneys for the following parties in *Arizona Alliance of Retired Americans, Inc., et al. v. Crosby et al.*, No. CV202200518 (Sup. Ct. Cochise Cnty.): Arizona Alliance of Retired Americans, Inc., Stephani Stephenson, the Cochise County Board of Supervisors, Cochise County Recorder David Stevens, Cochise County Elections Director Lisa Marra, and Amicus Curiae Katie Hobbs. Otherwise, Intervenor-Defendants lack sufficient information to form a belief as to the truth or falsity of the remainder of the allegations in Paragraph 25 of the Verified Complaint, and therefore deny the same.



1 26. Intervenor-Defendants lack sufficient information to form a belief as to the  
2 truth or falsity of the allegations in Paragraph 26 of the Verified Complaint, and therefore  
3 deny the same.  
4

5 27. Intervenor-Defendants lack sufficient information to form a belief as to the  
6 truth or falsity of the allegations in Paragraph 27 of the Verified Complaint, and therefore  
7 deny the same.  
8

9 28. Paragraph 28 contains legal conclusions to which no response is required.

10 29. Intervenor-Defendants admit that this lawsuit was filed on the first business  
11 day after Cochise County Attorney Brian McIntyre's November 10, 2022 letter referenced  
12 in Paragraph 25 of Intervenor-Defendants' Answer.  
13

14 **FIRST CAUSE OF ACTION FOR MANDAMUS**

15 30. Intervenor-Defendants incorporate by reference each of their other admissions,  
16 denials, and statements as if fully set forth in this paragraph.  
17

18 31. Paragraph 31 contains legal conclusions to which no response is required.

19 32. Intervenor-Defendants admit that the quoted language appears in Article II,  
20 Section 2 of the Arizona Constitution.  
21

22 33. Paragraph 33 contains legal conclusions to which no response is required. To  
23 the extent that a response is required, Intervenor-Defendants deny the allegation that  
24 Elections Director Marra is not the officer in charge of elections.  
25

26 34. Paragraph 34 contains legal conclusions to which no response is required. To  
27 the extent a response is required, Intervenor-Defendants deny the allegations in Paragraph  
28 34.

1           35. Paragraph 35 contains legal conclusions to which no response is required. To  
2 the extent a response is required, Intervenor-Defendants deny the allegations in Paragraph  
3 35.  
4

5           36. Paragraph 36 contains legal conclusions to which no response is required.

6           37. Intervenor-Defendants admit that the quoted language appears in A.R.S. § 16-  
7 621(E). To the extent a response is required, Intervenor-Defendants otherwise deny the  
8 allegations in Paragraph 37.  
9

10          38. Paragraph 38 contains legal conclusions to which no response is required. To  
11 the extent a response is required, Intervenor-Defendants deny the allegations in Paragraph  
12 38.  
13

14          39. Paragraph 39 contains legal conclusions to which no response is required. To  
15 the extent a response is required, Intervenor-Defendants deny the allegations in Paragraph  
16 39.  
17

18          40. Intervenor-Defendants admit that the quoted language appears in A.R.S. § 11-  
19 251(30).  
20

21          41. Paragraph 41 contains characterizations and legal conclusions to which no  
22 response is required. To the extent a response is required, Intervenor-Defendants deny the  
23 allegations in Paragraph 41.  
24

25          42. Intervenor-Defendants admit that the quoted language, excepting the  
26 bracketed punctuation mark, appears in the October 24, 2022 action item approved by the  
27 Cochise County Board of Supervisors. Paragraph 42 otherwise contains characterizations  
28

1 and legal conclusions to which no response is required. To the extent a response is required,  
2 Intervenor-Defendants otherwise deny the allegations in Paragraph 42.

3 43. Intervenor-Defendants admit that the quoted language, excepting the  
4 bracketed language, appears in the October 24, 2022 action item approved by the Cochise  
5 County Board of Supervisors.  
6

7 44. Paragraph 44 contains characterizations and legal conclusions to which no  
8 response is required. To the extent a response is required, Intervenor-Defendants deny the  
9 allegations in Paragraph 44.  
10

11 45. Paragraph 45 contains legal conclusions to which no response is required.  
12 Intervenor-Defendants deny the allegation that Elections Director Marra has not finished  
13 the hand count audit. Intervenor-Defendants also deny that an expanded hand count audit  
14 can be completed in a few days. Intervenor-Defendants lack sufficient information to form  
15 a belief as to the truth or falsity of the remaining factual allegations in Paragraph 45, and  
16 therefore deny same.  
17

18 46. Paragraph 46 contains characterizations and legal conclusions to which no  
19 response is required. To the extent a response is required, Intervenor-Defendants deny the  
20 allegations in Paragraph 46.  
21

22 47. Intervenor-Defendants admit that the ballots are currently in Elections Director  
23 Marra's custody. Paragraph 47 otherwise contains characterizations and legal conclusions  
24 to which no response is required. To the extent a response is required, Intervenor-  
25 Defendants deny the allegations in Paragraph 47.  
26  
27  
28



1 57. Intervenor-Defendants reserve the right to assert additional affirmative  
2 defenses, including, but not limited to, those set forth in Rule 8(d) of the Arizona Rules of  
3 Civil Procedure, as additional facts are discovered.  
4

5  
6 WHEREFORE, having fully answered Plaintiffs' Verified Complaint, Intervenor-  
7 Defendants pray for judgment as follows:

8  
9 A. That judgment be entered in favor of Intervenor-Defendants and against  
10 Plaintiffs on Plaintiffs' Verified Complaint and that Plaintiffs take nothing thereby;

11 B. That Intervenor-Defendants be awarded their reasonable attorneys' fees and  
12 costs; and

13 C. For such other and further relief as the Court, in its inherent discretion, deems  
14 appropriate.  
15

16 RESPECTFULLY SUBMITTED this 15th day of November, 2022.

17 By: /s/ Jillian L. Andrews

18 Roy Herrera (032907)  
roy@ha-firm.com  
19 Daniel A. Arellano (032304)  
daniel@ha-firm.com  
20 Jillian L. Andrews (034611)  
jillian@ha-firm.com  
21 Austin T. Marshall (036582)  
austin@ha-firm.com  
22 HERRERA ARELLANO LLP  
1001 North Central Avenue, Suite 404  
23 Phoenix, AZ 85004  
Telephone: (602) 567-4820

24  
25 Aria C. Branch\* (DC Bar #1014541)  
abbranch@elias.law  
26 Lalitha D. Madduri\* (DC Bar #1659412)  
lmadduri@elias.law  
27 Christina Ford\* (DC Bar #1655542)  
cford@elias.law  
28 Mollie DiBrell\* (DC Bar #90002189)  
mdibrell@elias.law

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Daniel Cohen\* (DC Bar #90001911)  
dcohen@elias.law  
ELIAS LAW GROUP LLP  
10 G St. NE, Suite 600  
Washington, D.C. 20002  
Telephone: (202) 968-4490  
Facsimile: (202) 968-4498

*\* Pro Hac Vice Application Forthcoming*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of November, 2022, I electronically transmitted a PDF version of this document to the Office of the Clerk of the Superior Court, Cochise County, for filing using the AZTurboCourt System. I further certify that a copy of the foregoing was sent via email this same date to:

Bryan Blehm  
THE VALLEY LAW GROUP  
bryan@thevalleylawgroup.com  
*Counsel for Board of Supervisor Plaintiffs*

Christina Estes-Werther  
Aaron Arnson  
Trish Stuhan  
PIERCE COLEMAN PLLC  
christina@piercecoleman.com  
aaron@piercecoleman.com  
trish@piercecoleman.com  
*Counsel for Cochise County Elections Director Lisa Marra*

/s/ Jillian L. Andrews

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