

1 Paul F. Eckstein (#001822)
Alexis E. Danneman (#030478)
2 Matthew R. Koerner (# 035018)
Margo R. Casselman (#034963)
3 Samantha J. Burke (#036064)
PERKINS COIE LLP
4 2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
5 Telephone: +1.602.351.8000
PEckstein@perkinscoie.com
6 ADanneman@perkinscoie.com
MKoerner@perkinscoie.com
7 MCasselman@perkinscoie.com
SBurke@perkinscoie.com
8 DocketPHX@perkinscoie.com

9 *Attorneys for Defendant/Contestee Kris Mayes*

10 SUPERIOR COURT OF ARIZONA

11 MOHAVE COUNTY

12 JEANNE KENTCH, et al.,

13 Plaintiffs/Contestants,

14 v.

15 KRIS MAYES,

16 Defendant/Contestee,

17 and

18 ADRIAN FONTES, et al.,

19 Defendants.

No. S8015CV202201468

**CONTESTEE MAYES' REPLY IN
SUPPORT OF JOINDER IN MOTION
TO COMPENSATE BALLOT
INSPECTORS**

(Assigned to the Hon. Lee F. Jantzen)

1 At the end of the trial in this case, the Court properly found Plaintiffs had failed to meet
2 their burden of proof and dismissed their election contest. Defendant Navajo County then
3 submitted a motion for compensation under A.R.S. § 16-677(C), which provides “the
4 compensation of the [ballot] inspectors shall be fixed by the court and taxed as costs against the
5 losing party.” Defendant Mohave County joined that motion, as did Defendant Kris Mayes.
6 Although Plaintiffs took no issue with Navajo or Mohave Counties’ requests, Plaintiffs object to
7 Defendant Mayes seeking her statutorily-entitled compensation for her appointed ballot
8 inspector in Maricopa County, Rahgan Jensen. Plaintiffs make two points in their response to
9 Mayes’ joinder motion. Both miss the mark.

10 First, Plaintiffs argue that awarding Ms. Jensen’s compensation is “premature” because
11 Plaintiffs filed a motion for new trial. But Plaintiffs lost their election contest after a trial, no
12 new trial is permitted for the reasons set forth in Defendants’ post-trial briefing, Kris Mayes has
13 taken office as Arizona Attorney General, and judgment must be entered “immediately.” A.R.S.
14 § 16-676(B).

15 Second, Plaintiffs take aim at the amount of compensation Mayes requests, arguing Ms.
16 Jensen’s rate is too high compared to the state’s minimum wage. But the statute provides that
17 compensation of the inspectors be “taxed as costs” against the losing party. A.R.S. § 16-677(C)
18 (emphasis added). This means actual costs, not some unspecified lower number that Plaintiffs
19 would prefer. That is why, in the Lake-Hobbs election contest, Judge Thompson awarded
20 Governor Hobbs the full, actual costs for her appointed ballot inspector—\$4,689.50, or 8.3 hours
21 of inspection time at \$565 per hour—to be paid by contestant Kari Lake. [*See* Ex. A at 4,
22 12/27/22 Minute Entry, *Lake v. Hobbs*, CV 2022-095403 (Ariz. Super. Ct.)] Here, the actual cost
23 for 6.5 hours of Ms. Jensen’s time—Ms. Jensen is an attorney in private practice in Phoenix—is
24 \$2,892.50. Defendant Mayes is entitled to compensation for those costs under the statute.

1 Dated: February 6, 2023.

PERKINS COIE LLP

2
3 By: /s/ Alexis E. Danneman
4 Paul F. Eckstein
5 Alexis E. Danneman
6 Matthew R. Koerner
7 Margo R. Casselman
8 Samantha J. Burke
9 2901 North Central Avenue, Suite 2000
10 Phoenix, Arizona 85012-2788

Attorneys for Defendant Kris Mayes

11
12
13
14
15
16
17
18
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20
21
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23
24
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1 Original of the foregoing efiled with the Mohave
2 County Superior Court and served on the
3 following parties at AZTurbocourt.gov this 6th
4 day of February, 2023:

4 Honorable Lee F. Jantzen
5 Mohave County Superior Court c/o
6 Danielle Lecher
7 division4@mohavecourts.com

7 David A. Warrington
8 Gary Lawkowski
9 DHILLON LAW GROUP, INC.
10 2121 E. Eisenhower Ave., Ste. 608
11 Alexandria, VA 22314
12 DWarrington@dhillonlaw.com
13 GLawkowski@dhillonlaw.com

11 Timothy A. La Sota
12 TIMOTHY A. LA SOTA, PLC
13 21 E. Camelback Rd., Ste. 305
14 Phoenix, AZ 85016
15 tim@timlasota.com

13 Alexander Kolodin (030826)

14 Veronica Lucero (030292)

15 Arno Naeckel (026158)

15 James C. Sabalos (pro hac vice)
16 DAVILLIER LAW GROUP, LLC
17 4105 North 20th Street, Suite 110
18 Phoenix, AZ 85016

17 akolodin@davillierlawgroup.com

18 vlucero@davillierlawgroup.com

19 anaeckel@davillierlawgroup.com

20 jsabalos@davillierlawgroup.com

21 phxadmin@davillierlawgroup.com

21 Jennifer J. Wright
22 JENNIFER WRIGHT ESQ., PLC
23 4350 E. Indian School Road Ste #21-105
24 Phoenix, AZ 85018
jen@jenwesq.com

24 Sigal Chattah Esq. (pro hac vice pending)

1 CHATTAH LAW GROUP
2 5875 S. Rainbow Blvd #204
3 Las Vegas, Nevada 89118
4 Chattahlaw@gmail.com

5 Dennis I. Wilenchik
6 John D. "Jack" Wilenchik
7 WILENCHIK & BARTNESS, P.C.
8 The Wilenchik & Bartness Building
9 2810 North Third Street
10 Phoenix, AZ 85004
11 admin@wb-law.com

12 *Attorneys for Plaintiffs/Contestant Abraham*
13 *Hamadeh*

14 D. Andrew Goana
15 Coppersmith Brockelman Plc
16 2800 N. Central Ave., Ste. 1900
17 Phoenix, AZ, 85004
18 agaona@cblawyers.com
19 Maithreyi Ratakondan (pro hac vice pending)
20 STATES UNITED DEMOCRACY CENTER
21 1 Liberty Plaza
22 165 Broadway, 23rd Floor, Office 2330
23 New York, NY 10006
24 mai@statesuniteddemocracy.org

Attorneys for Defendant Arizona Secretary
of State Adrian Fontes

17 Thomas P. Liddy
18 Joseph La Rue
19 Joe Branco
20 Karen Hartman-Tellez
21 Jack L. O'Connor III
22 Sean M. Moore
23 Rosa Aguilar
24 Maricopa County Attorney's Office
25 225 West Madison St.
26 Phoenix, AZ 85003
27 liddy@mcao.maricopa.gov
28 laruej@mcao.maricopa.gov
29 brancoj@mcao.maricopa.gov
30 hartmank@mcao.maricopa.gov
31 oconnorj@mcao.maricopa.gov

1 moores@mcao.maricopa.gov
2 aguillarr@mcao.maricopa.gov

3 Emily Craiger
4 THE BURGESS LAW GROUP
5 3131 East Camelback Road, Suite 224
6 Phoenix, AZ 85016
7 emily@theburgesslawgroup.com

8 *Attorneys for Maricopa County*

9 Celeste Robertson
10 Joseph Young
11 Apache County Attorney's Office
12 245 West 1st South
13 St. Johns, AZ 85936
14 crobertson@apachelaw.net
15 jyoung@apachelaw.net

16 *Attorneys for Defendants Larry Noble, Apache
17 County Recorder, and Apache County Board of
18 Supervisors*

19 Christine J. Roberts
20 Paul Correa
21 Cochise County Attorney's Office
22 P.O. Drawer CA
23 Bisbee, AZ 85603
24 croberts@cochise.az.gov
pcorrea@cochise.az.gov

*Attorneys for Defendants David W. Stevens,
Cochise County Recorder, and Cochise County
Board of Supervisors*

Bill Ring
Mark D. Byrnes
Coconino County Attorney's Office
110 East Cherry Avenue
Flagstaff, AZ 86001
wring@coconino.az.gov
mbyrnes@coconino.az.gov

*Attorney for Defendants Patty Hansen, Coconino
County Recorder, and Coconino County Board of
Supervisors*

1 Jeff Dalton
2 Gila County Attorney's Office
3 1400 East Ash Street
4 Globe, AZ 85501
5 jdalton@gilacountyaz.gov
6 *Attorney for Defendants Sadie Jo Bingham, Gila*
7 *County Recorder, and Gila County Board of*
8 *Supervisors*

9 Jean Roof
10 Graham County Attorney's Office
11 800 West Main Street
12 Safford, AZ 85546
13 jroof@graham.az.gov
14 *Attorneys for Defendants Wendy John, Graham*
15 *County Recorder, and Graham County Board of*
16 *Supervisors*

17 Scott Adams
18 Greenlee County Attorney's Office
19 P.O. Box 1717
20 Clifton, AZ 85533
21 sadams@greenlee.az.gov
22 *Attorney for Defendants Sharie Milheiro,*
23 *Greenlee County Recorder, and Greenlee County*
24 *Board of Supervisors*

1 Ryan N. Dooley
2 La Paz County Attorney's Office
3 1320 Kofa Avenue
4 Parker, AZ 85344
5 rdooley@lapazcountyaz.org
6 *Attorney for Defendants Richard Garcia, La Paz*
7 *County Recorder, and La Paz County Board of*
8 *Supervisors*

9 Ryan Esplin
10 Mohave County Attorney's Office Civil Division
11 P.O. Box 7000
12 Kingman, AZ 86402-7000
13 EspliR@mohave.gov

14 *Attorney for Defendants Kristi Blair, Mohave*
15 *County Recorder, and Mohave County Board of*
16 *Supervisors*

17 Jason Moore

1 Navajo County Attorney's Office
P.O. Box 668
2 Holbrook, AZ 86025-0668
jason.moore@navajocountyaz.gov

3 *Attorney for Defendants Michael Sample, Navajo*
4 *County Recorder, and Navajo County Board of*
5 *Supervisors*

6 Daniel Jurkowitz
7 Ellen Brown
8 Javier Gherna
9 Pima County Attorney's Office
32 N. Stone #2100
Tucson, AZ 85701
Daniel.Jurkowitz@pcao.pima.gov
Ellen.Brown@pcao.pima.gov
Javier.Gherna@pcao.pima.gov

10 *Attorney for Defendants Gabriella Cázares-*
11 *Kelley, Pima County Recorder, and Pima County*
12 *Board of Supervisors*

13 Craig Cameron
14 Scott Johnson
15 Allen Quist
16 Jim Mitchell
17 Pinal County Attorney's Office
30 North Florence Street
Florence, AZ 85132
craig.cameron@pinal.gov
scott.m.johnson@pinal.gov
allen.quist@pinal.gov
james.mitchell@pinal.gov

18 *Attorneys for Defendants Dana Lewis, Pinal*
19 *County Recorder, and Pinal County Board of*
20 *Supervisors*

21 Kimberly Hunley
22 Laura Roubicek
23 Santa Cruz County Attorney's Office
2150 North Congress Drive, Suite 201
Nogales, AZ 85621-1090
khunley@santacruzcountyaz.gov
lroubicek@santacruzcountyaz.gov

24 *Attorneys for Defendants Suzanne Sainz, Santa*

1 *Cruz County Recorder, and Santa Cruz County*
2 *Board of Supervisors*

3 Thomas Stoxen
4 Yavapai County Attorney's Office
5 255 East Gurley Street, 3rd Floor
6 Prescott, AZ 86301
7 Thomas.Stoxen@yavapaiaz.gov

8 *Attorney for Defendants Michelle M. Burchill,*
9 *Yavapai County Recorder, and Yavapai County*
10 *Board of Supervisors*

11 Bill Kerekes
12 Yuma County Attorney's Office
13 198 South Main Street
14 Yuma, AZ 85364
15 bill.kerekes@yumacountyaz.gov

16 *Attorney for Defendants Richard Colwell, Yuma*
17 *County Recorder, and Yuma County Board of*
18 *Supervisors*

19 Kory Langhofer
20 Thomas Basile
21 STATECRAFT LAW
22 649 N. Fourth Avenue, First Floor
23 Phoenix, Arizona 85003
24 kory@statecraftlaw.com
tom@statecraftlaw.com
Attorneys for Amici Curiae

/s/ Indy Fitzgerald

160465392.1