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ARIZONA SUPERIOR COURT  
MARICOPA COUNTY

KARI LAKE,  
Plaintiff/Contestant,  
v.  
KATIE HOBBS,  
Defendant/Contestee.

No. CV2022-095403

**CONTESTEE KATIE HOBBS'S  
REPLY IN SUPPORT OF  
MOTION TO DISMISS**

Assigned to Hon. Peter Thompson

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## INTRODUCTION

In October 2022, when asked repeatedly whether she would accept the results of the election if she lost, Kari Lake responded: “I’m going to win the election, and I will accept *that* result.”<sup>1</sup> More than a month after the people of Arizona elected Governor-elect Katie Hobbs, Lake has made good on her refusal to accept defeat. In so doing, Lake joins the ranks of 2020 election deniers who alleged baseless theories of misconduct for political gain. *See, e.g., Wood v. Raffensperger*, 501 F. Supp. 3d 1310, 1330 (N.D. Ga. 2020) (rejecting complaint which “speculate[d] as to widespread impropriety” but identified only “garden variety” election issues far short of what is required to overturn an election); *see also Donald J. Trump for President, Inc. v. Boockvar*, 502 F. Supp. 3d 899, 906 (M.D. Pa. 2020) (rejecting complaint which presented baseless allegations of election improprieties and noting that “[o]ur people, laws, and institutions demand more”).

In striking similarity to those failed lawsuits, Lake offers only “strained legal arguments without merit and speculative accusations.” *Boockvar*, 502 F. Supp. 3d at 906. Nor is this the first time *this year* that Lake has made “unfounded claims about election-related misconduct.” Order Imposing Rule 11 Sanctions, *Lake et al. v. Hobbs, et. al*, No. CV-22-00677, 2022 WL 17351715 at \*14 (D. Ariz. Dec. 1, 2022) (cleaned up) (“Lake Sanction Order”). This case, however, goes one step further, seeking not only to push a political narrative, but also to overturn a statewide election result and disenfranchise more than one million voters, based on wild conjecture and dubious “expert testimony.”

Lake’s attempt to salvage her failed complaint in her response brief only doubles down on her relentless speculation and baseless legal theories. But “our people, laws, and institutions demand more”—much more—to overturn the will of the voters.

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<sup>1</sup> *See* Maggie Astor, NY TIMES (Oct. 16, 2022), Lake Won’t Pledge to Accept Election Results, and More News From the Sunday Shows, available at <https://www.nytimes.com/2022/10/16/us/politics/kari-lake-election-results-az.html> (last accessed Dec. 17, 2022) (emphasis added).

1 **ARGUMENT**

2 **I. Laches bars the majority of Lake’s claims.**

3 More than half of Lake’s claims center on alleged facts, rules, and procedures that  
4 were in place well before the election, and thus are barred by laches. Mot. 2-4.<sup>2</sup> Notably,  
5 Lake does not contest that “complaints about pre-election violations must be brought  
6 before an election occurs,” Br. 11, nor does she attempt to argue that her claims about  
7 election disinformation (Count 1) or “non-secret” voting under the Arizona Constitution  
8 (Count 7) can survive a laches challenge. Instead, Lake focuses on Counts 2, 3, and 4, but  
9 these late claims fare no better. While Lake alleges “violations of procedures” regarding  
10 tabulator certification, signature matching, and chain of custody, nearly all these  
11 allegations reflect disputes with *existing, pre-election procedures*.<sup>3</sup>

12 Count 2 (“Illegal Tabulator Configurations”): As Judge Julian found just two days  
13 ago in dismissing a similar election contest claim, laches bars post-election claims related  
14 to the certification of voting machines. *See* Ex. 1 at 5, Order Granting Motions to Dismiss  
15 Election Contest, *Finchem et al. v. Fontes et al.*, No. 2022-053927 (Ariz. Super. Ct. Dec.  
16 16, 2022) (“Finchem Order”). Lake’s allegation that Maricopa’s BOD printers were not  
17 properly “certified” under the Help America Vote Act, Compl. ¶¶ 137-141, is precisely the  
18 kind of “procedural” claim that could have been brought before the election.

19 Count 3 (Signature Matching): Lake’s grievances with signature matching concern  
20 procedures and processes that could have been challenged well before Election Day.

21 *Signatures outside the voter registration record*: While Lake now says her claims  
22 “are not based on a supposed defect in the Election Procedures Manual,” Br. 11, her  
23 complaint alleges otherwise and asks the Court to find this portion of the manual  
24 unenforceable, *see* Compl. ¶ 153. As Lake now concedes, claims about the validity of the

25 \_\_\_\_\_  
26 <sup>2</sup> Governor-Elect Hobbs herein refers to her Motion to Dismiss as “Mot.” and Lake’s  
Response Brief as “Br.”

27 <sup>3</sup> The only portion of these counts that is not barred by laches pertains to the printing and  
tabulator issues that occurred on Election Day (Count 2). As discussed below, *infra* Part  
28 III.C, that portion of Lake’s claim fails for numerous other reasons.

1 EPM’s procedures, which were published in 2019, are barred by laches.

2 *Maricopa County’s multi-level review process:* Lake’s outrage that upper-level  
3 reviewers reversed the signature match rejections of Level 1 reviewers, *see* Compl. ¶ 57,  
4 is nothing more than a dispute with the signature matching process itself. This multi-level  
5 review process, in which Level 1 reviewers are charged with flagging *initial* mismatches  
6 (based on a limited review of up to three signatures) for a higher “manager level” review  
7 (based on all available signatures on file), was published at least *six months* before the  
8 election in the 2022 Maricopa Elections Plan. *See* Ex. 3 at 45.<sup>4</sup>

9 *Issues involving 2020 election:* By definition, all of Lake’s claims pertaining to the  
10 2020 election were known to her before the election. Likewise, if Lake believes that voters  
11 flagged as having mismatched signatures in 2020 should not have voted in 2022, Compl. ¶  
12 53, there was an explicit system for challenging those voters before Election Day that Lake  
13 did not utilize. *See* Mot. 11 n.8 (describing A.R.S. § 16-552, which requires that such  
14 challenges be made before the envelope is opened and voters be given an opportunity to  
15 respond). It is unacceptable for candidates to lie in wait until after voters have cast their  
16 ballots to allege that they never had the right to do so in the first place.

17 Count 4 (Chain of Custody): While Lake alleges numerous “violations” of chain of  
18 custody procedures, she identifies no actual procedure that was violated. Mot. 11-12. To  
19 the extent Lake believes the existing procedures were insufficient to protect the integrity  
20 of the election, she should have addressed them in a pre-election challenge.

21 **II. Lake’s constitutional and federal statutory claims are not proper in an**  
22 **election contest and fail to state violations of law.**

23 Lake concedes, as she must, that election contests permit only five statutory bases  
24 for relief but nonetheless looks to general joinder provisions under the rules of civil  
25 procedure to justify claims that fall outside the bounds of the election contest statute

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26 <sup>4</sup> A complaint’s exhibits, or public records regarding matters referenced in a complaint, are  
27 not “outside the pleading,” and courts may consider such documents without converting a  
28 Rule 12(b)(6) motion into a summary judgment motion. *Coleman v. City of Mesa*, 230  
Ariz. 352, 356 ¶ 9, 284 P.3d 863, 867 (2012).

1 (Counts 1, 2, 5, 6, 7, 9, 10). *See* Br. 29. That general joinder rule, however, must give way  
2 where a statute sets the specific grounds for relief. *See Henderson v. Carter*, 34 Ariz. 528,  
3 534-35 (1928) (holding election contests “may not be extended to include cases not within  
4 the language or intent of the legislative act”). No one disputes that Lake could bring suit  
5 “to enjoin unconstitutional actions by state and federal officers” generally, just that she  
6 cannot do so in this expedited election contest matter. Suits alleging unconstitutional action  
7 are regularly “subject to express and implied statutory limitations.” *Armstrong v.*  
8 *Exceptional Child Care Ctr., Inc.*, 575 U.S. 320, 327 (2015); *see also* Ariz. Const. art. IV,  
9 pt. 2, § 18 (legislature may set restrictions on suit). This case is no exception.

10 Even if Lake could bring these claims in this expedited election contest—or in a  
11 separate suit—they fail as a matter of law across the board. *See* Mot. 9–13. Lake all but  
12 concedes Count 1 (Free Speech), *see* Br. 19 (disclaiming need to prove First Amendment  
13 violation to show misconduct), and Count 7 (Non-Secret Voting), which she fails to  
14 mention at all in her response brief. While Lake continues to press her Equal Protection  
15 and Due Process claims, the case she cites in support of her claims, *Coleman v. City of*  
16 *Mesa*, 230 Ariz. 352, 284 P.3d 863 (2012), only emphasizes that an individual must be  
17 intentionally targeted for discrimination or deprived of something to state viable claims.  
18 Lake has not adequately alleged either. *See* Mot. 6–7.<sup>5</sup>

19 **III. The four corners of the complaint do not adequately allege misconduct**  
20 **or illegal votes.**

21  
22 <sup>5</sup> While Lake continues to press an equal protection theory based on a “wildly out of  
23 proportion” impact on Republicans, Br. 28, the cases she cites demonstrate the high bar for  
24 such claims. *See Yick Wo v. Hopkins*, 118 U.S. 356 (1886) (100% of those adversely  
25 impacted by ordinance were of minority group); *Gomillion v. Lightfoot*, 364 U.S. 339  
26 (1960) (city boundaries removed all but 4 of the Black voters previously in the city without  
27 removing single white voter). “Absent a pattern as stark as that in *Gomillion* or *Yick Wo*,  
28 impact alone is not determinative.” *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*,  
429 U.S. 252, 266 (1977). Indeed, Lake’s attempt to equate her manufactured claim of  
discrimination with these paradigmatic equal protection cases is both tone deaf and  
offensive. *See Pers. Adm’r of Massachusetts v. Feeney*, 442 U.S. 256, 272–73 (1979)  
(identifying *Yick Wo* and *Gomillion* as cases addressing disparate impact on a group that  
has “historically been the victim of discrimination”).

1 Much like Lake’s prior case, this complaint has “yawning gaps between the factual  
2 assertions made, the harm claimed, and the ultimate relief requested.” Lake Sanction Order,  
3 2022 WL 17351715 at \*11. Throughout her response to the motion to dismiss, Lake  
4 repeatedly asks the Court to make inferences that are not supported by the actual allegations  
5 of the complaint or declarations cited therein. *But see Coleman*, 230 Ariz. at 356, ¶ 9, 284  
6 P.3d at 867 (“[C]ourts look only to the pleading itself” when adjudicating a Rule 12(b)(6)  
7 motion) (citation omitted). And while it is true that this Court must accept well-pled  
8 allegations, this Court is under no obligation to accept mere conclusory statements or  
9 unreasonable inferences from allegations, *see Cullen v. Auto-Owners Ins. Co.*, 218 Ariz.  
10 417, 419, ¶ 7, 189 P.3d 344, 346 (2008), particularly in an election contest where it is bound  
11 by the presumption in favor of the honesty and good faith of election officials and the  
12 accuracy of election results, *see Mot. 2*. For this reason and the reasons explained below,  
13 all Counts alleging misconduct or illegal votes (Counts 1 through 8) should be dismissed.

14 **A. Lake does not dispute that this Court cannot consider misconduct**  
15 **by third parties or that mistakes do not constitute misconduct.**

16 A complaint under the election contest statute fails to state a claim when it alleges  
17 misconduct by third parties or simply alleges a mistake or omission in the elections process.  
18 *See Mot. 9; see also Finchem Order* at 8-12 (requiring specific allegations for “misconduct”  
19 claims and dismissing misconduct allegations because they were not committed by  
20 “elections officials,” did not pertain to misconduct related to a canvass, did not show  
21 violations of law, and so on). Lake does not contest these principles (insisting only that  
22 what happened in Maricopa was not a “mistake,” Br. 10). Because Counts 2, 3, 4, 5, and 6  
23 amount to claims that a third party (such as Runbeck, Star Center, or unidentified  
24 “hackers”) committed misconduct, or amount to mistakes in printer settings (once stripped  
25 of speculation and unwarranted inferences, *see infra* Part III.C), none state a viable claim  
26 for relief and must be dismissed.

27 **B. Lake’s free speech allegations do not adequately allege**  
28 **misconduct (Count 1)**

1 Lake's "free speech" claim does not state a viable claim because she does not allege  
2 any votes were affected by this supposed misconduct, let alone votes sufficient to have  
3 affected the result of the election. *See* Mot. 15; *see also* Finchem Order at 12 (dismissing  
4 identical misconduct claim for this reason). While Lake attempts to clean up by promising  
5 she will show such evidence at trial, Br. 19-20, Lake cannot salvage a facially deficient  
6 claim with the hope that it might prove true.

7 **C. Lake's printing and tabulator allegations do not show misconduct**  
8 **or illegal votes (Counts 2, 5, and 6)**

9 No one disputes that printing errors in Maricopa County on Election Day led to long  
10 lines at times at some vote centers. Those errors, and the frustration they caused, are  
11 regrettable. But a court cannot overturn a statewide election because administrative errors  
12 caused long lines at some polling locations. That standard would subject most elections to  
13 a "re-do."

14 The burden to establish entitlement to reverse the election results requires a showing  
15 that the election result *would have been different* absent the error. *See* Mot. 15-17. Lake's  
16 allegations and supporting "expert" reports do not come close to making that showing.  
17 While Lake complains of massive "disenfranchisement," of the hundreds of voter  
18 declarations Lake submitted, Br. 4, only a handful of voters claim they did not vote because  
19 of the wait (which, while unfortunate, is not "disenfranchisement"). Without any actual  
20 evidence of an "outcome-determinative" number of votes, Lake relies on a survey poll  
21 performed by Richard Baris, which the complaint uses to conclude that, absent the printing  
22 and tabulator errors, "Kari Lake would conservatively have gained between 15,603 and  
23 29,257 votes." Compl. ¶ 90. This theory, which attempts to add non-existent votes to the  
24 count, is not a basis for an election contest. *See* Mot. 15-16; *see also* Finchem Order at 8  
25 (holding allegations setting forth "the 'possibility' of disenfranchisement based upon  
26 frustration with machine malfunctions, delays . . . cannot sustain an election contest").

27 Even if this were a valid basis for an election contest, this Court should not accept  
28

1 the cascading series of unreasonable inferences in the Baris Declaration, which underlie  
2 the complaint’s allegations. To start, Baris’s conclusions are based on an exit interview of  
3 Election Day voters, all of whom cast a ballot. Baris Decl. at 5. Baris does not report *anyone*  
4 who said they were not able to vote. Baris’s interviews of voters who voted thus provides  
5 no basis to infer *anything* about the motivations of hypothetical non-voters.

6 The analysis devolves from there. The one question upon which Baris’s conclusion  
7 rests is both exceedingly vague (asking if voters experienced “*any* issues or complications,”  
8 no matter how grave) and includes a false premise (there is no allegation of vote centers  
9 “running out of ballots”). *Id.* at 5. Then, Baris makes a startling leap to speculate *what*  
10 *might have happened* if an additional 2.5% of election day voters cast ballots. *Id.* at 10.  
11 Notably, this number is plucked *out of thin air*. At no point does Baris estimate that 2.5%  
12 of voters were discouraged from voting due to long lines or printer issues. Baris could just  
13 as well have pondered what the election might have looked like with 5% or 50% higher  
14 turnout on Election Day. Compounding the error, Baris then applies this fanciful 2.5% to  
15 the *total* number of votes cast in Maricopa County (1,562,758), including the more than  
16 one million voters who had already voted absentee and could not have been affected by  
17 wait times on Election Day. Even then, Baris finds that Governor-Elect Hobbs *still would*  
18 *have won* the election if 70% of those hypothetical 2.5% additional voters had voted for  
19 Lake (reflecting the vote share Lake alleges she would have won, Compl. ¶ 87). *See* Baris  
20 Decl. at 10 (finding Hobbs would have still won by 2,000 votes). It is only when Baris  
21 calculates what would have happened if Lake had won 75% of those additional votes—an  
22 outcome neither he nor the complaint ever alleges occurred in *any* precinct for Lake, but  
23 only in the most Republican precincts for the *attorney general* candidate, *see id.* at 5—that  
24 Baris claims Lake could have won the election, *see id.* at 10. The Court should not accept  
25 these unsupported inferences and baseless conclusions.

26 **D. Lake’s signature matching allegations do not adequately allege**  
27 **misconduct or illegal votes (Count 3)**  
28



1 Lake's Response Brief repeatedly asks the Court to make inferences that are not  
2 supported by the complaint. While Lake's Response Brief spins a nefarious tale of  
3 improper signature matching, Br. 12-15, the complaint does not allege or show that any  
4 statutory or EPM requirements were violated in Maricopa County's 2022 signature  
5 verification processes. While Lake argues that the three sworn declarations from signature  
6 verification workers attached to her complaint show "improper counting of non-verified  
7 early ballots," and the "acceptance of thousands of ballots that had been rejected for having  
8 mismatched signatures that were not cured but were accepted as cast," Br. 13, *those*  
9 *declarations reveal no such thing*. The Myers, Nystrom, and Onigkeit declarations simply  
10 allege that affidavit signatures were flagged for additional review prior to being verified  
11 by managers who had access to the full suite of signatures in the voter's registration record.  
12 *See* Myers Decl. ¶¶ 6-12, 18-24; Nystrom Decl. ¶¶ 7(a)-(e), 11-16, 21; Onigkeit Decl. ¶¶  
13 6-13, 19-25, 28. Rather than show "misconduct" or "illegal votes," as Lake claims, these  
14 affidavits underscore that Maricopa County followed the procedures that it set forth in its  
15 pre-election manuals. *See supra* at Part I. Nor was Maricopa County's signature rejection  
16 rate in 2022 outside the norm. In 2020, the rejection rate was 0.0646% statewide, and  
17 0.47% nationally across all jurisdictions that use signature matching.<sup>6</sup> In short, these  
18 declarants' "expectations" of a rejection rate as high as 20 to 30% bear no relation to reality.  
19 *See* Compl. ¶ 57.

20 Critically, this Court still fails to sufficiently allege *any* illegal votes that were  
21 improperly verified and that would have changed the outcome of the Governor's race. *See*  
22 Finchem Order at 7 ("An illegal vote is one that is cast in violation of a statute providing  
23 that non-compliance invalidates the vote, or cast by one who is not eligible to vote.") All  
24 Lake's Count 3 allegations amount to is an insufficiently pled guess that an unknown

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26 <sup>6</sup> These figures are derived from the U.S. Election Assistance Commission website,  
27 available at:  
28 [https://www.eac.gov/sites/default/files/document\\_library/files/2020\\_EAVS\\_Report\\_Final\\_508c.pdf](https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf), of which this court may take judicial notice, *see Mesquite Power, LLC v. Ariz. Dep't of Revenue*, 252 Ariz. 74, 78, 497 P.3d 1023, 1027 (Ct. App. 2021).

1 number of illegal ballots *could have been* voted in the election. *See* Compl. ¶¶ 61-62.<sup>7</sup>

2 **E. Lake’s chain of custody allegations do not adequately allege**  
3 **misconduct or illegal votes (Count 4)**

4 Much like Lake’s signature matching allegations, not *one* well-pled chain of custody  
5 allegation shows a violation of law, much less a violation that affected *any* votes—let alone  
6 a violation that would have wiped out a **17,117-vote margin** and changed the outcome of  
7 the election. *See* Mot. 11. Instead, Lake has cobbled together mere suspicions about the  
8 process from election observers and workers in the hopes that they add up to a basis to  
9 overturn the election. They do not.

10 Lake’s Brief claims “eyewitnesses at Runbeck and MCTEC confirmed under oath  
11 that Maricopa County failed to maintain chain of custody for over 300,000 ballots through  
12 multiple failures of required procedures.” Br. 18. This is false. Among her over 200  
13 witnesses, not one alleges that they witnessed more than 50 ballots that were improperly  
14 added without proper procedures, and even then, they do not claim those ballots were  
15 fraudulent. *See* Ex. A-9 at 3 (“From what I saw, the [50] ballots were legitimately  
16 [Runbeck] employee or employee family’s ballots.”). The best Lake can do is throw her  
17 hands up and baselessly speculate that there is “no way to know whether 50 ballots or  
18 50,000 ballots were added[.]” Compl. ¶ 158; *see also id.* ¶ 114. Similarly, Lake’s repeated  
19 allegation that Attorney General Brnovich concluded that Maricopa County violated chain  
20 of custody procedures in the 2020 election, *see* Br. 18, does not show that any such  
21 violations occurred in *this* election. Finally, while Lake seeks to overturn the election  
22 because, in the two days following the election, Maricopa County publicly updated its  
23 estimate of the number of remaining ballots left to be counted, Br. 18–19, Lake ignores  
24 that there is no requirement for Maricopa County—or *any* county—to provide a public and

25 \_\_\_\_\_  
26 <sup>7</sup> The closest Lake comes to alleging a specific number of illegal votes is based on a study  
27 from the 2020 election. Busch Decl. ¶ 20(a)-(b). These unsound allegations regarding  
28 illegal votes in a bygone election are not sufficient to allege illegal votes in the present,  
contested election. *See Cullen*, 218 Ariz. at 420, ¶ 14, 189 P.3d at 347 (courts are not  
permitted “to speculate about hypothetical facts that might entitle the plaintiff to relief”).

1 final determination of the total number of outstanding ballots to be counted on election  
2 night. *See* Mot. 11.

3 **IV. Lake’s inferences of “electoral manipulation” cannot survive the basic**  
4 **pleading standard, let alone the heightened one.**

5 Because she cannot show an outcome-determinative number of illegal votes, Lake  
6 doubles down on “electoral manipulations with unquantifiable impacts on an election,” Br.  
7 24, relying on *Hunt v. Campbell*, 19 Ariz. 254, 169 P. 596 (1917), which she claims  
8 involved the same type of “widespread interference with an election that qualifies as the  
9 type of misconduct that invalidates elections *in toto*.” Br. 24–25. But *Hunt* unmistakably  
10 involved *fraud*—specifically, claims that 42 ballots were fraudulently changed from one  
11 candidate to another. 19 Ariz. at 265. *Hunt* emphasizes the standard for overturning an  
12 election on this basis is exceedingly high: “Nothing but the most credible, positive, and  
13 unequivocal evidence should be permitted to destroy the credit of official returns. ***It is not***  
14 ***sufficient to cast suspicion upon them; they must be proved fraudulent before they are***  
15 ***rejected.***” *Hunt*, 19 Ariz. at 268, 271 (emphasis added).

16 Lake, however, *disclaims* fraud as a basis for her contest. Br. 7; *but see* Compl. ¶  
17 147 (“[T]his interference qualifies as the type of ‘fraudulent combinations, coercion, and  
18 intimidation’ that requires striking the entire vote.”). By her own admission, therefore,  
19 Lake has no legal basis for the extraordinary relief she seeks. *See Moore v. City of Page*,  
20 148 Ariz. 151, 156–57, 159, 713 P.2d 813, 818–19, 821 (Ct. App. 1986) (holding that,  
21 absent showing that election result would have been different but for actual misconduct or  
22 illegal votes, election result must stand unless there is fraud).

23 Acknowledging she cannot meet the heightened standard for alleging fraud, Lake  
24 attempts to frame her claims as involving “intentional *conduct*.” Br. 6–7, 23, 26. But even  
25 if this could trigger relief under an election contest, Lake fails even this standard. Other  
26 than conclusory allegations that Maricopa County “engaged in misconduct that nullifies  
27 the results of the 2022 election,” Compl. ¶ 128, *see also, e.g., id.* ¶¶ 3, 7, 30, 124, 134,  
28

1 Lake’s “intentional conduct” claim rests on the “expert” declaration of Clay Parikh, *id.* ¶¶  
2 101–05, 141–42, 152. Setting aside Parikh’s dubious qualifications, his conclusion that  
3 Maricopa County’s printing issues were intentional is based on (1) the fact that these issues  
4 arose at multiple voting centers, (2) that Maricopa “downplayed” the issue, and (3) that  
5 Maricopa did not tweet out all five possible solutions to fixing the problem. Ex. A-13 ¶¶ 7,  
6 16–18. *None* of those allegations, or any others in the Parikh Declaration, allow one to  
7 reasonably infer malicious intent, let alone a coordinated conspiracy, on the part of  
8 Maricopa election officials. To the contrary, the complaint cites to correspondence of  
9 Maricopa technical staff who took the issue seriously and were working hard to solve the  
10 problem. *See* Compl. ¶ 70. The most that this declaration can show is that Maricopa  
11 experienced some technical difficulties that fell short of some of its goals set out in its 2022  
12 Elections Plan and Poll Worker Manuals. *See* Parikh Decl. 17-20. But these kinds of  
13 mistakes cannot alone lead to an inference of intentional discrimination, particularly given  
14 the presumption of good faith accorded to election officials.

### 15 CONCLUSION

16 While Lake may presume fault with any election she doesn’t win, Arizona’s law  
17 and precedent—going back over 100 years to *Hunt*—presume otherwise. Lake’s sprawling  
18 claims do not come close to satisfying her burden to trigger the election contest statute’s  
19 extraordinary relief, and her complaint should be dismissed.<sup>8</sup>  
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27 <sup>8</sup> For the Court’s ease of reference, a chart identifying all of Lake’s claims, and all of the  
28 independent grounds on which they may be dismissed, is attached at Exhibit 2.

1 Dated: December 18, 2022

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1 Original efiled with the Maricopa County  
2 Superior Court and served through  
3 AZTurboCourt this 18th day of December,  
4 2022:

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6 Maricopa County Superior Court  
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