

1 Daniel C. Barr (#010149)
Paul F. Eckstein (#001822)
2 Alexis E. Danneman (#030478)
Austin C. Yost (#034602)
3 Samantha J. Burke (#036064)
PERKINS COIE LLP
4 2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
5 Telephone: 602.351.8000
Facsimile: 602.648.7000
6 DBarr@perkinscoie.com
PEckstein@perkinscoie.com
7 ADanneman@perkinscoie.com
AYost@perkinscoie.com
8 SBurke@perkinscoie.com
DocketPHX@perkinscoie.com

9 *Attorneys for Defendant/Contestee Kris Mayes*

10 ARIZONA SUPERIOR COURT

11 MOHAVE COUNTY

12 TED BOYD, et al.,

13 Plaintiffs/Contestants,

14 v.

15 KRIS MAYES,

16 Defendant/Contestee,

17 and

18 KATIE HOBBS, et al.,

19 Defendants.
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No. S8015CV202201468

**DEFENDANT KRIS MAYES'
RESPONSE TO PLAINTIFFS' MOTION
FOR AN ORDER REFLECTING
ADDITIONAL RULINGS OF THE
COURT**

(Assigned to the Hon. Lee F. Jantzen)

1 Defendant/Contestee Kris Mayes respectfully responds to Plaintiffs’ post-trial “Motion
2 for an Order Reflecting Additional Rulings of the Court” (“Motion” or “Mot.”). In this Motion
3 (at 3), Plaintiffs urge the Court to repeat rulings it already made, to revamp the record on a
4 motion Plaintiffs never made, and to prop open the door for “subsequent motions” that Plaintiffs
5 perhaps might make—“in regard to the December 23, 2022” trial that has already concluded.
6 But this case is over. And Plaintiffs’ Motion should be denied, for at least three reasons.

7 *First*, Plaintiffs’ Motion (at 3)—seeking to document “the happenings in front of this
8 Court”—is neither necessary nor appropriate. The record is sufficiently captured in this Court’s
9 December 20 order, the December 22 minute entry, the hearing transcripts, and the Court’s (post-
10 trial) order yesterday denying Plaintiffs’ claims. Despite this record, Plaintiffs request a ruling
11 denying “[their] motion to for [sic] expedited discovery.” [Proposed Order at 3] But this Court
12 already rejected it by limiting “discovery in th[is] case[] by way of ballot inspection.”
13 [12/20/2022 Order at 3] Similarly, Plaintiffs request a ruling on their “motion to continue the
14 trial” that finished six days ago. [Proposed Order at 3] But even assuming this “suggestion”—as
15 Plaintiffs’ counsel called it at the December 22 hearing—was a motion, the Court resolved it at
16 that hearing and before trial. [12/22/2022 Min. Entry at 4 (“The Court notes the Evidentiary
17 Hearing shall go forward tomorrow, Friday, December 23, 2022, starting at 9:00 a.m.”)]

18 *Second*, Plaintiffs’ proposed order is not, as they contend, “simply an accurate rendition”
19 of the record. [Mot. at 3] Plaintiffs request an order denying “[their] motion to *continue*
20 inspecting ballots.” [Proposed Order at 3 (emphasis added)] But Plaintiffs did not make any such
21 motion. Certainly, the record reflects that on December 12 Plaintiffs filed their Verified Petition
22 to Inspect Ballots and that at the December 22 hearing Plaintiffs reiterated their “request . . . to
23 conduct the ballot inspection.” [12/22/2022 Min. Entry at 3] But this (repeat) request was not a
24 motion—or, at least, not a motion to “continue” an inspection into the next week. *See* Ariz. R.

1 Civ. P. 7.1(a)(1) (“An application to the court for an order must be by motion which, unless
2 made during a hearing or trial, must be in writing, state with particularity the grounds for granting
3 the motion, and set forth the relief or order sought.”). In any event, at the December 23 trial
4 “Counsel La[Sota state[d] that they will renew their petition to inspect ballots.” [12/22/2022
5 Min. Entry] But Plaintiffs did not file any such petition “to continue inspecting ballots,” as they
6 claim. [See Proposed Order at 3] Plaintiffs cannot now revamp the record to reserve this issue
7 for appeal.

8 *Third*, though Plaintiffs’ (post-trial) Motion (at 3) promises “not [to] inhibit the ability of
9 *any other party* to make further motions to this Court,” Plaintiffs’ Proposed Order (at 3) is not
10 so limited, attempting to prop open the door for any “subsequent motions *of the parties*.” But,
11 again, this case is over. And, as of now, not much else remains except to rule on any attorneys’
12 fees motion and to enter judgment, as Arizona law directs. *See* A.R.S. § 16-676(B) (“After
13 hearing the proofs and allegations of the parties [in an election contest], and within five days
14 after the submission thereof, the court shall file its findings and immediately thereafter shall
15 pronounce judgment, either confirming or annulling and setting aside the election.”).

16 Accordingly, this Court should deny Plaintiffs’ Motion and should enter judgment, as
17 A.R.S. § 16-676(B) directs.

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1 Dated: December 22, 2022

PERKINS COIE LLP

3 By: s/ Alexis E. Danneman

4 Daniel C. Barr

5 Paul F. Eckstein

6 Alexis E. Danneman

7 Austin C. Yost

8 Samantha J. Burke

9 2901 North Central Avenue, Suite 2000

10 Phoenix, Arizona 85012-2788

11 *Attorneys for Defendant/Contestee Kris*
12 *Mayes*

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14
15
16
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18
19
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21
22
23
24
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1 Original efiled with the Mohave County Superior
2 Court and served on the following parties through
AZTurboCourt on this 22nd day of December 2022:

3 David A. Warrington
4 Gary Lawkowski
DHILLON LAW GROUP, INC.
5 2121 E. Eisenhower Ave., Ste. 608
Alexandria, VA 22314
6 DWarrington@dhillonlaw.com
GLawkowski@dhillonlaw.com

7 Timothy A. La Sota
8 TIMOTHY A. LA SOTA, PLC
21 E. Camelback Rd., Ste. 305
9 Phoenix, AZ 85016
tim@timlasota.com

10 *Attorneys for Plaintiffs/Contestants*

11 D. Andrew Gaona
12 Coppersmith Brockelman PLC
2800 N. Central Ave., Ste. 1900
13 Phoenix, AZ, 85004
agaona@cblawyers.com

14 Sambo (Bo) Dul
15 State United Democracy Center
8205 S. Priest Dr., #10312
16 Tempe, AZ 95284
bo@stateuniteddemocracy.org

17 *Attorneys for Defendant Arizona Secretary
of State Katie Hobbs*

18 Thomas P. Liddy
19 Joseph La Rue
Joe Branco
20 Karen Hartman-Tellez
Jack L. O'Connor III
21 Sean M. Moore
Rosa Aguilar
22 Maricopa County Attorney's Office
225 West Madison St.
23 Phoenix, AZ 85003
liddy@mcao.maricopa.gov
24 larue@mcao.maricopa.gov

1 brancoj@mcao.maricopa.gov
hartmank@mcao.maricopa.gov
2 oconnorj@mcao.maricopa.gov
moores@mcao.maricopa.gov
3 raguilar@mcao.maricopa.gov
c-civilmailbox@mcao.maricopa.gov

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

7 *Attorneys for Maricopa County*

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

12 *Attorneys for Defendants Larry Noble, Apache*
13 *County Recorder, and Apache County Board of*
Supervisors

14 Christine J. Roberts
15 Paul Correa
Cochise County Attorney's Office
16 P.O. Drawer CA
Bisbee, AZ 85603
17 croberts@cochise.az.gov
pcorrea@cochise.az.gov

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

20 Bill Ring
21 Coconino County Attorney's Office
110 East Cherry Avenue
22 Flagstaff, AZ 86001
wring@coconino.az.gov

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

1 Jeff Dalton
Gila County Attorney's Office
2 1400 East Ash Street
Globe, AZ 85501
3 jdalton@gilacountyaz.gov

4 *Attorney for Defendants Sadie Jo Bingham, Gila*
County Recorder, and Gila County Board of
5 *Supervisors*

6 Jean Roof
Graham County Attorney's Office
7 800 West Main Street
Safford, AZ 85546
8 jroof@graham.az.gov

9 *Attorneys for Defendants Wendy John, Graham*
County Recorder, and Graham County Board of
10 *Supervisors*

11 Rob Gilliland
Greenlee County Attorney's Office
12 P.O. Box 1717
Clifton, AZ 85533
13 rgilliland@greenlee.az.gov

14 *Attorney for Defendants Sharie Milheiro,*
Greenlee County Recorder, and Greenlee County
15 *Board of Supervisors*

16 Ryan N. Dooley
La Paz County Attorney's Office
17 1320 Kofa Avenue
Parker, AZ 85344
18 rdooley@lapazcountyaz.org

19 *Attorney for Defendants Richard Garcia, La Paz*
County Recorder, and La Paz County Board of
20 *Supervisors*

1 Ryan Esplin
Mohave County Attorney's Office Civil Division
2 P.O. Box 7000
Kingman, AZ 86402-7000
3 EspliR@mohave.gov

4 *Attorney for Defendants Kristi Blair, Mohave*
County Recorder, and Mohave County Board of
5 Supervisors

6 Jason Moore
Navajo County Attorney's Office
7 P.O. Box 668
Holbrook, AZ 86025-0668
8 jason.moore@navajocountyaz.gov

9 *Attorney for Defendants Michael Sample, Navajo*
County Recorder, and Navajo County Board of
10 Supervisors

11 Daniel Jurkowitz
Ellen Brown
12 Javier Gherna
Pima County Attorney's Office
13 32 N. Stone #2100
Tucson, AZ 85701
14 Daniel.Jurkowitz@pcao.pima.gov
Ellen.Brown@pcao.pima.gov
15 Javier.Gherna@pcao.pima.gov

16 *Attorney for Defendants Gabriella Cázares-*
Kelley, Pima County Recorder, and Pima County
17 Board of Supervisors

18 Craig Cameron
Scott Johnson
19 Allen Quist
Jim Mitchell
20 Pinal County Attorney's Office
30 North Florence Street
21 Florence, AZ 85132
craig.cameron@pinal.gov
22 scott.m.johnson@pinal.gov
allen.quist@pinal.gov
23 james.mitchell@pinal.gov

1 *Attorneys for Defendants Dana Lewis, Pinal*
2 *County Recorder, and Pinal County Board of*
3 *Supervisors*

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

7 *Attorneys for Defendants Suzanne Sainz, Santa*
8 *Cruz County Recorder, and Santa Cruz County*
9 *Board of Supervisors*

9 Colleen Connor
Thomas Stoxen
10 Yavapai County Attorney's Office
255 East Gurley Street, 3rd Floor
11 Prescott, AZ 86301
Colleen.Connor@yavapaiaz.gov
12 Thomas.Stoxen@yavapaiaz.gov

13 *Attorney for Defendants Michelle M. Burchill,*
14 *Yavapai County Recorder, and Yavapai County*
15 *Board of Supervisors*

15 Bill Kerekes
Yuma County Attorney's Office
16 198 South Main Street
Yuma, AZ 85364
17 bill.kerekes@yumacountyaz.gov

18 *Attorney for Defendants Richard Colwell, Yuma*
19 *County Recorder, and Yuma County Board of*
20 *Supervisors*

20 s/ Susan Carnall
21
22
23
24