

1 D. Andrew Gaona (028414)
2 **COPPERSMITH BROCKELMAN PLC**
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7 *Attorneys for Defendant*
8 *Arizona Secretary of State Katie Hobbs*

9 **ARIZONA SUPERIOR COURT**

10 **MARICOPA COUNTY**

11 MARK FINCHEM, in his individual capacity,) No. CV2022-053927

12 Contestants/Plaintiffs,)

13 v.)

14 ADRIAN FONTES officeholders-elect; and)
15 KATIE HOBBS, in her official capacity as the)
16 Secretary of State; et al.,)

**ARIZONA SECRETARY OF STATE
KATIE HOBBS' JOINDER IN
SECRETARY OF STATE-ELECT
ADRIAN FONTES' MOTION FOR
SANCTIONS**

Contestees/Defendants.)

(Assigned to Hon. Melissa Iyer Julian)

17 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State, hereby
18 joins in Secretary-Elect Adrian Fontes' Motion for Sanctions ("Motion"). This Joinder is
19 supported by undersigned counsel's separate certification attached hereto as **Exhibit A**.

20 Beyond the facts and arguments presented by Secretary-Elect Fontes, the Secretary
21 wishes to highlight one additional point that supports the imposition of sanctions. As the Court
22 knows, one of Plaintiff's primary claims here was that certain voting equipment in Arizona is
23 not properly certified under federal and state law. That claim was demonstrably false, and
24 undersigned counsel sent a letter to Plaintiff's counsel, Daniel McCauley, on December 12, 2022
25 explaining as much by attaching the Secretary's Verified Special Action Complaint in a case that
26 was filed and resolved in Cochise County Superior Court just a week before Plaintiff filed this

1 action. [See Motion at Exhibit 3, Part 1 (Exhibit A)] To make matters worse, Plaintiff's counsel
2 knew this and had a copy of that complaint before signing the election contest here; after all, he
3 was counsel for the defendants in the Cochise County action. That Plaintiff and his counsel filed
4 and maintained an action taking issue with the certification of voting equipment in the face of
5 this evidence is inexcusable, and should be met with sanctions.

6 RESPECTFULLY SUBMITTED this 28th day of December, 2022.

7 **COPPERSMITH BROCKELMAN PLC**

8 By /s/ D. Andrew Gaona

9 D. Andrew Gaona

10 *Attorneys for Defendant Arizona Secretary of State*
11 *Katie Hobbs*

12 ORIGINAL efiled and served via electronic
13 means this 28th day of December, 2022, upon:

14 Honorable Melissa Julian
15 Maricopa County Superior Court
16 c/o Jorge.Aguirre@JBAZMC.Maricopa.Gov

17 Daniel J. McCauley, III.
18 dan@mlo-az.com
19 McCauley Law Offices, P.C.
20 6638 E. Ashler Hills Dr.
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22 *Attorneys for Contestants/Plaintiff*

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30 2555 East Camelback Road, Suite 1050
31 Phoenix, Arizona 85016
32 *Attorneys for Contestee/Defendant Adrian Fontes*

33 /s/ Diana Hanson

Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit A

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17 Contestees/Defendants.)

**CERTIFICATION OF COUNSEL
PURSUANT TO RULE 7.1(h), ARIZ.
R. CIV. P**

(Assigned to Hon. Melissa Iyer Julian)

18 Pursuant to Rules 7.1(h) and 11(c)(2), Ariz. R. Civ. P., D. Andrew Gaona declares and
19 certifies as follows:

20 1. I am counsel of record for Defendant Katie Hobbs, in her official capacity as
21 Arizona Secretary of State, in the above-captioned matter.

22 2. On December 12, 2022, I sent a letter to Daniel McCauley, counsel for Plaintiff
23 Mark Finchem, in accordance with Rule 11(c)(2)(B), Ariz. R. Civ. P. A true and correct copy of
24 that letter is attached to Secretary-Elect Adrian Fontes' Motion for Sanctions ("Motion") as
25 Exhibit 3, Part 1.

26 3. On December 13, 2022, I participated in a telephone conference with Mr.
McCauley and Craig Morgan, counsel for Secretary-Elect Fontes, as required by Rule
11(c)(2)(A), Ariz. R. Civ. P.

