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15 **ARIZONA SUPERIOR COURT**  
16 **MARICOPA COUNTY**

17 **KARI LAKE,**

18 Contestant/Plaintiff,

19 v.

20 **KATIE HOBBS, personally as Contestee and**  
21 **in her official capacity as the Secretary of**  
22 **State; et al.,**

23 Defendants.

No. CV2022-095403

**ARIZONA SECRETARY OF**  
**STATE KATIE HOBBS'**  
**EMERGENCY MOTION FOR**  
**RECONSIDERATION OF ORDER**  
**DENYING MOTION TO QUASH**

(Assigned to Hon. Peter Thompson)

24 Defendant Katie Hobbs, in her official capacity as Arizona's Secretary of State  
25 ("Secretary"), respectfully requests that the Court reconsider its December 19, 2022 order  
26 denying her Motion to Quash Subpoena for Appearance at Hearing ("Subpoena Order").

In denying the Secretary's Motion, the Court noted that "given the nature of the case –  
where the questions of fact range from technical minutiae to broader issues of election manual  
interpretation – the Court cannot say that . . . the testimony is 'completely irrelevant or  
marginally relevant.'" [Subpoena Order at 3] The Court further noted that the Subpoena seeks

1 “discovery concerning an activity wholly within her wheelhouse: the conduct of elections.” But  
2 in an order issued at the same time dismissing 8 of the 10 counts in Plaintiff’s complaint (“MTD  
3 Order”) and narrowing the scope of the two remaining counts that will proceed to trial, the Court  
4 effectively answered its own question. Good cause exist for the Court to reconsider the Subpoena  
5 Order, and to quash the Subpoena.

6 Under the MTD order, only two narrow issues will proceed to trial:

- 7 • Count II, to the extent that Plaintiff alleges that “a person employed by Maricopa County  
8 interfered with BOD printers in violation of Arizona law, resulting in some number of  
9 lost votes for Plaintiff,” meaning “Plaintiff is entitled to attempt to prove at trial that 1)  
10 the malfeasant person was a covered person under (A)(1); 2) the printer malfunctions  
11 caused by this individual directly resulted in identifiable lost votes for Plaintiff; and 3)  
12 that these votes would have affected the outcome of the election” [MTD Order at 6]; and
- 13 • Count IV, to the that extent that Plaintiff can attempt to prove “1) the ability of employees  
14 of the county’s ballot contractor to add ballots of family members and 2) the lack of an  
15 Inbound Receipt of Delivery form both constitute misconduct” [*id.* at 8].

16 Neither of these claims have anything whatsoever to do with the Secretary, any of her or her  
17 Office’s duties or responsibilities, or any personal knowledge she may have. What’s left of Count  
18 II involves specific allegations that “a person employed by Maricopa County” engaged in certain  
19 “intentional misconduct” that affected election day operations in Maricopa County. But the  
20 Secretary has nothing to do with Maricopa County’s election day operations; that is a  
21 responsibility of Maricopa County. And what’s left of Count IV is no different, as what’s left  
22 deals with specific issues related to the “county’s ballot contractor” and the alleged “lack of an  
23 Inbound Receipt of Delivery” – a county form. The Secretary has nothing to do with the  
24 operations of the “county’s ballot contractor,” and certainly has no role in keeping or maintaining  
25 “Inbound Receipt[s] of Delivery” on election day in Maricopa County.



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