

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

HONORABLE LEE F. JANTZEN
DIVISION 4
DATE: AUGUST 31, 2023

FILED
TIME 4:57p M
AUG 31 2023
CHRISTINA SPURLOCK
CLERK SUPERIOR COURT
BY: [Signature] DEPUTY
*DL

COURT ORDER/NOTICE/RULING

JEANNE KENTCH, et al., et ux.,
Plaintiffs,

vs.

CV-2022-01468

KRIS MAYES, et al., et ux.,
Defendants.

This matter comes before the Court to request to rule on outstanding motions. The Court has previously denied Plaintiffs' Petition to Contest the Elections after a trial and the Court has denied Plaintiffs' Motion for New Trial.

The remaining motions include Plaintiffs' Motion for an Order Reflecting Additional Rulings of the Court, filed December 28, 2022. This was not addressed because of the pending Motion for New Trial. The Court has considered the motion and the responses.

IT IS ORDERED denying the Contestant's Motion for an Order Reflecting Additional Rulings of the Court.

If this has not already been done in writing, based on the evidence presented at the trial that the Plaintiff failed to provide proof mistakes made were sufficient to change the outcome of the trial;

IT IS ORDERED denying Plaintiffs' Petition to Change the Results of the Election and denying any request to count any additional votes.

IT IS FURTHER ORDERED denying Plaintiffs' Motion for a New Trial for the reasons listed in the Court's minute entry dated July 14, 2023.

Other pending motions include Defendant Kris Mayes' Motion for Attorneys' Fees, filed January 3, 2023 and supplemented January 17, 2023, which was joined by Defendant/Arizona Secretary of State Kris Mayes. The Court has read the motions and the responsive pleadings and considered the applicable statutes, case law and rules.

IT IS ORDERED denying both Defendants' Motion for Attorneys' Fees under A.R.S. § 12-349.

This case was not brought frivolously by the Plaintiffs. The Court has noted from the outset that this case has not been brought on partisan lines asserting malicious and outrageous behavior by the Defendants in which they have accused parties of outlandish conspiracies or other criminal offenses. This case, in the Court's view, after hearing the arguments and evidence, was brought by Plaintiffs based on their belief that this extremely close election could have been overturned if certain procedures had been different.

The Court acknowledges at the trial the Plaintiffs did not present large amount of evidence. They did get to inspect thousands of ballots, but the limited discovery in an emergency contested election procedure did not result in discovering the number of mistakes they believed it might. That led to a short presentation by Plaintiffs and even an acknowledgment during the trial that they did not have the evidence to prevail.

However, the Court does not believe sanctions are appropriate. Just because Plaintiffs did not prevail, this does not mean this action is the type of groundless lawsuit based on false speculation that would require sanctions under A.R.S. § 12-349.

The final set of pending motions are Navajo County's Motion to Compensate Ballot Inspectors filed January 4, 2023, Mohave County Defendants' Joinder in Navajo County Defendants' Motion to Compensate Ballot Inspectors filed January 9, 2023 and April 17, 2023, and Defendant Kris Mayes' Joinder in Motion to Compensate Ballot Inspectors, filed January 11, 2023.

Having received and considered the Motion to Compensate Ballot Inspectors filed by the Navajo County Defendants, as well as the Joinder filed by Defendant Kris Mayes, and any response filed by Plaintiffs thereto, and good cause appearing,

IT IS ORDERED that the each of the Motions to Compensate Ballot Inspectors is GRANTED.

IT IS FURTHER ORDERED that, under A.R.S. § 16-677(C), Plaintiffs shall compensate Defendant Kris Mayes in the amount of \$2,892.50 for her ballot inspector.

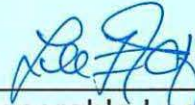
Navajo County and Mohave County are directed to provide orders with specific amounts for the Plaintiffs to reimburse based on reasonable fees for the ballot inspectors' normal jobs and any mileage accrued to the court within 30 days.

IT IS FURTHER ORDERED that, under A.R.S. § 12-341, Ms. Mayes is entitled to \$1,065.46 in taxable costs as the successful party.

There is nothing else pending in these matters and this Judgment is entered under Rule 54(c).

August 31, 2023

Date



Honorable Lee F. Jantzen
Division 4

cc:

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