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16 **Pro Hac Vice Application Forthcoming*

17 **ARIZONA SUPERIOR COURT**

18 **MARICOPA COUNTY**

19 STRONG COMMUNITIES FOUNDATION OF)
20 ARIZONA INCORPORATED; ERIC LOVELIS,)

21 Plaintiffs,)

22 v.)

23 MARICOPA COUNTY; BILL GATES, STEVE)
24 GALLARDO, THOMAS GALVIN, CLINT)
HICKMAN, and JACK SELLERS, in their)
25 official capacities as members of the Maricopa)
County Board of Supervisors; STEPHEN)
26 RICHER, in his official capacity as Maricopa)
County Recorder,)

27 Defendants.)
28

No. CV2024-002441

**PROPOSED INTERVENOR-
DEFENDANTS ARIZONA
ALLIANCE FOR RETIRED
AMERICANS AND VOTO
LATINO'S MOTION TO
INTERVENE**

(Assigned to the Hon. Jay R.
Adleman)

1 INTRODUCTION

2 Notwithstanding four years of unwarranted suspicion and aspersion, it is clear that
3 Maricopa County officials conscientiously and diligently apply Arizona’s election laws.
4 And despite near-constant allegations of widespread fraud and unlawful conduct—pressed
5 by, among others, failed gubernatorial candidate Kari Lake in a series of unsuccessful
6 lawsuits—no court has ever found merit to the claims that Maricopa County has subverted
7 the will of the electorate or otherwise mismanaged its elections. To the contrary: Courts at
8 all levels, including the Arizona Supreme Court, have soundly rejected these claims.

9 Now, it’s déjà vu all over again. Plaintiffs have filed a wide-reaching complaint
10 questioning numerous aspects of Maricopa County’s election administration based on
11 purported issues in 2020 and 2022. Some claims are familiar; others present novel
12 allegations of electoral malfeasance. But all share two common themes: They hinge on the
13 meritless suggestion that Maricopa County is systematically violating Arizona law, and they
14 assume, based on nothing more than rank speculation, that these invented problems will
15 persist in the 2024 elections. In other words, Plaintiffs not only mischaracterize previous
16 Maricopa County elections, but also allege future hypothetical misconduct in elections that
17 have not yet occurred—and ask this Court to *disenfranchise all Maricopa County voters* as
18 a remedy for these imagined violations.

19 Proposed Intervenor-Defendants Arizona Alliance for Retired Americans (the
20 “Alliance”) and Voto Latino (together, “Proposed Intervenors”) seek to intervene to
21 represent their organizational interests and the interests of the voters who are most likely to
22 bear the brunt of Plaintiffs’ sweeping suit, which threatens to upend the orderly and lawful
23 administration of Maricopa County’s elections—putting Arizonans’ voting rights directly
24 in the crosshairs. The Alliance has nearly 25,000 members in Maricopa County, and these
25 voters, together with the Latino populations that Voto Latino empowers and enfranchises,
26 are uniquely vulnerable to the harms threatened by Plaintiffs’ action.

27 Proposed Intervenors readily meet the requirements for both intervention as of right
28 and permissive intervention under Arizona Rule of Civil Procedure 24. They have moved

1 quickly to intervene and seek to defend against the potential disenfranchisement of their
2 members and constituents and the diversion of their limited resources. Though Defendants
3 share the objective of defending Maricopa County’s election administration, they are not
4 involved in targeted get-out-the-vote programming or voter-advocacy efforts like Proposed
5 Intervenors. Nor do they share Proposed Intervenors’ particular organizational objectives—
6 and ultimately do not have a specific stake in the civic participation of Proposed
7 Intervenors’ members and constituents. Finally, Proposed Intervenors have regularly
8 litigated—as plaintiffs and as intervenors—issues related to election administration and
9 voting rights in Arizona, including signature-verification procedures and the use of drop
10 boxes, both of which are challenged here. They are thus well situated to assist the Court in
11 the timely adjudication of Plaintiffs’ claims.

12 Having satisfied the applicable legal standards, and given that Plaintiffs’ requested
13 relief would invite chaos into the election process at nearly every stage and needlessly
14 burden and even disenfranchise qualified Arizonans, Proposed Intervenors should be
15 granted intervention as of right or, in the alternative, permissive intervention.¹

16 Proposed Intervenors have conferred with counsel for Plaintiffs and Defendants for
17 their positions on this Motion. Defendants take no position on this Motion, and Plaintiffs
18 do not consent to this Motion.

19 **BACKGROUND**

20 The Alliance is a nonprofit corporation whose membership includes around 50,000
21 retirees from public- and private-sector unions, community organizations, and individual
22 activists in every county in Arizona, including 24,717 members in Maricopa County alone.
23 The Alliance’s mission is to ensure social and economic justice and protect the civil rights
24 of retirees after a lifetime of work, including by ensuring that its members have access to
25 the franchise and can meaningfully participate in Arizona’s elections. To protect the right

26 _____
27 ¹ Consistent with Arizona’s intervention rules, Proposed Intervenors have attached a
28 proposed answer as their “pleading in intervention.” Ariz. R. Civ. P. 24(c). While Rule 24
requires a “pleading,” Rule 12 requires that certain defenses be asserted by motion prior to
a responsive pleading. *See* Ariz. R. Civ. P. 12(b). Accordingly, if granted intervention,
Proposed Intervenors intend to file a motion to dismiss prior to filing their answer.

1 to vote, the Alliance has been involved in litigation implicating a range of voting-rights
2 issues. This includes litigation that the Alliance successfully brought last election cycle to
3 obtain a writ of mandamus to compel the Cochise County Board of Supervisors to canvass
4 their election results. *See Ariz. All. for Retired Ams. v. Crosby*, No. S0200CV202200552
5 (Cochise Cnty. Super. Ct.). The Alliance has recently moved to intervene to defend against
6 an attempt to similarly delay and disrupt the canvass in Mohave County this cycle, *see*
7 *Gould v. Mayes*, No. CV2024-000815 (Maricopa Cnty. Super. Ct.), and to defend the
8 validity of certain provisions of the Elections Procedures Manual (“EPM”), *see Petersen v.*
9 *Fontes*, No. CV2024-001942 (Maricopa Cnty. Super. Ct.). The Alliance is also participating
10 as a defendant intervenor in two other ongoing challenges to the use of ballot drop boxes
11 and signature-verification procedures in Arizona elections. *See Ariz. Free Enter. Club v.*
12 *Fontes*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct.); *Ariz. Free Enter. Club v.*
13 *Fontes*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.).

14 Voto Latino is the largest Latino advocacy organization in the nation. Its mission is
15 to grow political engagement in historically underrepresented communities, especially in
16 its core constituency of young Latino voters. Since 2012, Voto Latino has registered over
17 60,000 voters in Arizona. To further its mission, Voto Latino spends significant resources
18 on voter-education and -mobilization initiatives, including voter-registration drives; email
19 and social-media campaigns; digital ads communicating directly with Latino voters; and
20 text banking to encourage voters to vote, remind them to update their voter registrations,
21 and inform them about available means of voting. Voto Latino also seeks to educate Latino
22 voters on issues that impact their community and where candidates stand on those issues.
23 Like the Alliance, Voto Latino has repeatedly been involved in Arizona litigation to protect
24 the right to vote. *See, e.g., Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374-PHX-
25 GMS (D. Ariz.); *Ariz. Free Enter. Club*, No. S1300CV202300872 (Yavapai Cnty. Super.
26 Ct.).

1 ARGUMENT

2 Under Arizona Rule of Civil Procedure 24, a party has a right to intervene when, on
3 timely motion, it “claims an interest relating to the subject of the action, and . . . disposing
4 of the action in the person’s absence may as a practical matter impair or impede the person’s
5 ability to protect that interest, unless existing parties adequately represent that interest.”
6 Ariz. R. Civ. P. 24(a)(2). Alternatively, intervention may be permitted when the motion is
7 timely and a party “has a claim or defense that shares with the main action a common
8 question of law or fact.” Ariz. R. Civ. P. 24(b)(1)(B). Rule 24 is a remedial rule that “should
9 be construed liberally in order to assist parties seeking to obtain justice in protecting their
10 rights.” *Dowling v. Stapley*, 221 Ariz. 251, 270 ¶ 58 (App. 2009). It is “substantively
11 indistinguishable” from Federal Rule of Civil Procedure 24 such that a court “may look for
12 guidance to federal courts’ interpretations of their rules.” *Heritage Vill. II Homeowners*
13 *Ass’n v. Norman*, 246 Ariz. 567, 572 ¶ 19 (App. 2019).

14 Here, Proposed Intervenors satisfy the standards for both intervention as of right and
15 permissive intervention.

16 **I. Proposed Intervenors have a right to intervene.**

17 Proposed Intervenors have a right to intervene under Rule 24(a). The Court must
18 allow intervention where a proposed intervenor satisfies four elements:

- 19 (1) the motion must be timely; (2) the applicant must assert an interest
20 relating to the property or transaction which is the subject of the action;
21 (3) the applicant must show that disposition of the action may impair or
impede its ability to protect its interest; and (4) the applicant must show that
the other parties would not adequately represent its interests.

22 *Woodbridge Structured Funding, LLC v. Ariz. Lottery*, 235 Ariz. 25, 28 ¶ 13 (App. 2014).

23 Proposed Intervenors meet each of these requirements and are thus entitled to intervene as
24 of right under Rule 24(a).

25 **A. The motion to intervene is timely.**

26 Timeliness under Rule 24 is “flexible,” and the most important consideration “is
27 whether the delay in moving for intervention will prejudice the existing parties to the case.”

28 *Weaver v. Synthes, Ltd. (U.S.A.)*, 162 Ariz. 442, 446 (App. 1989) (cleaned up).

1 Here, Proposed Intervenors timely filed this motion to intervene. Plaintiffs filed suit
2 on February 6, 2024, and this motion follows just *three days* later, before any responsive
3 pleadings have been filed or any significant events in the case have occurred. Allowing
4 intervention would not require altering any existing deadlines, and there is no risk of
5 prejudice to any party if Proposed Intervenors are allowed to participate.

6 **B. The disposition of this case might impair Proposed Intervenors’ ability to**
7 **protect their interests and those of their members and constituents.**

8 “[A] prospective intervenor ‘has a sufficient interest for intervention purposes if it
9 will suffer a practical impairment of its interests as a result of the pending litigation.’”
10 *Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (quoting
11 *California ex rel. Lockyer v. United States*, 450 F.3d 436, 441 (9th Cir. 2006)). “[I]t is
12 generally enough that the interest is protectable under some law, and that there is a
13 relationship between the legally protected interest and the claims at issue.” *Id.* (quoting
14 *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir. 1993)). Under Arizona law, “a would-
15 be intervenor must show only that impairment of its substantial legal interest *is possible* if
16 intervention is denied”—a “minimal” burden. *Heritage Vill. II*, 246 Ariz. at 572 ¶ 21
17 (quoting *Utah Ass’n of Cnys. v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001)).

18 Here, Proposed Intervenors satisfy the intertwined second and third prongs of the
19 standard for intervention as of right: They have interests in the subject of this action, and its
20 disposition might impair or impede their ability to protect those interests.

21 **1. Plaintiffs’ requested relief would burden and disenfranchise**
22 **Proposed Intervenors’ members and constituents.**

23 Proposed Intervenors have an interest in ensuring that their members and
24 constituents can exercise the franchise free from unnecessary obstacles—and in preventing
25 the disenfranchisement of the voters they represent. *Cf., e.g., Sandusky Cnty. Democratic*
26 *Party v. Blackwell*, 387 F.3d 565, 573–74 (6th Cir. 2004) (risk that some voters will be
27 disenfranchised confers organizational standing); *Charles H. Wesley Educ. Found., Inc. v.*
28 *Cox*, 408 F.3d 1349, 1352 (11th Cir. 2005) (“A plaintiff need not have the franchise wholly

1 denied to suffer injury.”); *see also Bechtel v. Rose*, 150 Ariz. 68, 72 (1986) (explaining that
2 standing poses higher bar than intervention because intervenor “does not even have to be a
3 person who would have been a proper party at the beginning of the suit” (cleaned up)). If
4 Plaintiffs’ lawsuit is successful, many of Maricopa County’s most fundamental election
5 procedures will be declared unlawful, enjoined, and significantly changed, with dramatic
6 repercussions for Proposed Intervenors’ members and constituents.

7 Indeed, if Plaintiffs secure their requested relief and Defendants fail to precisely
8 adhere to each of Plaintiffs’ impracticable and outrageous demands, then Maricopa
9 County’s 2024 general-election results would be invalidated—directly disenfranchising
10 Proposed Intervenors’ members and constituents. For example, in Counts I and II, Plaintiffs
11 seek a requirement that Maricopa County maintain “exact counts of ballots at all phases of
12 the election” and “daily produce . . . copies of all chain of custody forms.” Pls.’ Compl. for
13 Special Action Relief (“Compl.”) 24. Plaintiffs also demand that, “if there are
14 discrepancies” at any point that are “sufficient to cast the outcome of the election into
15 doubt,” then the Court must either “*invalidat[e] the 2024 general election results from*
16 *Maricopa County*” or order a do-over with only one day of in-person voting. *Id.* at 24–25
17 (emphasis added). In short, Plaintiffs demand to act as unelected and unappointed election
18 monitors, empowered to disenfranchise all Maricopa County voters if their demands are not
19 met. This would have disastrous results on Arizona’s ability to conduct orderly and fair
20 elections in 2024 and beyond, and would deny Proposed Intervenors’ members and
21 constituents their fundamental right to vote.

22 Likewise, Counts III and IV seek to relitigate the same unsuccessful printer-failure
23 claims from Kari Lake’s prolonged (and ongoing) election contest, claiming that purported
24 printer failures in 2022 now require Defendants to “revert to precinct voting countywide”
25 in 2024. *Id.* at 25. If successful, this would severely limit Proposed Intervenors’ members’
26 and constituents’ options for voting in person, leading to longer lines and delays across
27 Maricopa County and burdening the franchise of Proposed Intervenors’ members and
28 constituents who cast ballots in person. Many of the Alliance’s members are older and less

1 able to wait in long lines or navigate additional difficulties finding new voting locations—
2 especially if Plaintiffs’ proposed limitations are imposed and previous voting locations are
3 no longer available.

4 Proposed Intervenors would also be harmed by Plaintiffs’ requested relief in
5 Counts V and VI. Plaintiffs claim that Maricopa County’s voting centers are “distributed in
6 a racially discriminatory way” because “Long Distance Voters are disproportionately White
7 and Native American.” *Id.* ¶ 124. Ignoring that the number and locations of Maricopa
8 County’s voting centers already sensibly reflect population distribution, Plaintiffs claim that
9 “the location of voting centers in Maricopa County unlawfully makes it easier for Hispanics
10 and Blacks to vote and more difficult for Whites and Native Americans.” *Id.* ¶ 52. But
11 Latino voters—including Voto Latino’s constituents—and Native American and other
12 minority voters—including the Alliance’s members—are the ones who would be most
13 harmed by Plaintiffs’ request to reallocate voting centers to “racially balance the number of
14 election-day Long Distance Voters.” *Id.* at 25. This relief would cause voting centers to be
15 distributed without considering population density and actual need, significantly decreasing
16 access to voting centers among Proposed Intervenors’ members and constituents.

17 Count VII seeks to eliminate the use of technology in the signature-verification
18 process, which would, in addition to burdening election officials, result in increased
19 signature mismatches and incorrect rejections. Because the Alliance’s members are elderly
20 and thus more likely to have signatures that have changed over time (whether due to age,
21 illness, or disability), they are more likely to be impacted by unassisted signature-
22 verification procedures. Combined with Count IX, which seeks to make the signature-
23 curing process more onerous—including by requiring election officials to show voters their
24 signatures and limiting voter-contact options—Plaintiffs’ requested relief would have a
25 disproportionate impact on the Alliance’s members’ ability to have their votes counted. For
26 similar reasons, an Arizona court recently allowed the Alliance to intervene in another case
27 seeking to tighten signature-verification procedures. *See Order re: Nature of Proceedings,*
28

1 *Ariz. Free Enter. Club*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct. Apr. 21, 2023).

2 So too should this Court allow the Alliance to intervene here.

3 Finally, Count X seeks to require that every ballot drop box be staffed at all times by
4 at least two election workers, which would severely limit Maricopa County’s ability to
5 operate drop boxes. Compl. ¶¶ 165–67. The voters most impacted would be those who vote
6 using early ballots and live in communities that are underserved (or not served at all) by
7 reliable mail service. This includes voters in Arizona’s most vulnerable and marginalized
8 communities, such as underserved minority communities and elderly voters where access
9 to the franchise is already difficult and burdensome—precisely Proposed Intervenors’
10 members and constituents. Indeed, in a similar case where plaintiffs sought to ban the use
11 of “unstaffed” drop boxes, an Arizona court recently allowed the Alliance and Voto Latino
12 to intervene to defend their members’ and constituents’ right to vote. *See Order Re: Nature*
13 *of Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.
14 Oct. 27, 2023). This Court should do the same.

15 **2. Plaintiffs’ requested relief would also require Proposed**
16 **Intervenors to divert their limited resources.**

17 If Plaintiffs succeed in their attempt to micromanage Maricopa County’s elections,
18 then Proposed Intervenors would be forced to divert resources from their mission-critical
19 work to ensure that their members and constituents are not unreasonably burdened,
20 prevented, or deterred from voting as a result. This further constitutes a protectable interest
21 sufficient for intervention as of right. *See, e.g., E. Bay Sanctuary Covenant v. Biden*, 993
22 F.3d 640, 663 (9th Cir. 2021) (“[A]n organization has direct standing to sue where it
23 establishes that the defendant’s behavior has frustrated its mission and caused it to divert
24 resources in response to that frustration of purpose.”); *Mi Familia Vota v. Fontes*, No. CV-
25 22-00509-PHX-SRB, 2023 WL 8183070, at *10 (D. Ariz. Feb. 16, 2023) (organizational
26 plaintiffs had standing when voting laws would require them to divert resources from other
27 activities to assist their supporters who might be disproportionately disenfranchised or
28 discouraged from voting); *cf. Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949, 951

1 (7th Cir. 2007) (political-party entity suffered injury in fact because challenged law
2 “compell[ed] the party to devote resources” in response), *aff’d*, 553 U.S. 181 (2008).

3 The Alliance—whose mission is to ensure social and economic justice and protect
4 the civil rights of retirees—would need to redirect time and resources to educate its
5 members on the new election procedures Plaintiffs demand, ranging from more onerous
6 signature-curing processes to new voting-center locations. The Alliance would also need to
7 divert time and resources from other priorities to ensure that their members who planned to
8 cast ballots using drop boxes instead vote through other means. Similarly, Voto Latino, a
9 grassroots organization focused on educating and empowering Latino voters, would have
10 to change its get-out-the-vote efforts and divert resources towards educating its constituents
11 about the new obstacles to voting. Such diversions of Proposed Intervenors’ limited
12 resources constitute impairments of cognizable interests, thus satisfying the second and
13 third prongs for intervention as of right.

14 **C. Proposed Intervenors’ interests are not adequately represented.**

15 Proposed Intervenors’ interests are not adequately represented by the current parties.

16 Plaintiffs do not represent Proposed Intervenors’ interests, as Plaintiffs seek—among
17 other things—unprecedented relief that would burden and disenfranchise Proposed
18 Intervenors’ members and constituents and even invalidate Maricopa County’s election
19 results. Nor are Proposed Intervenors’ interests here—namely, preventing the
20 disenfranchisement of their members and constituents and avoiding the diversion of their
21 mission-critical resources—shared by Defendants, who possess only a general obligation to
22 administer Maricopa County’s elections, not a specific interest in mobilizing and educating
23 retired or Latino voters and advocating on their behalf.

24 Courts have recognized that government officials like Defendants “must represent
25 the interests of all people in [their jurisdiction],” such that they cannot give Proposed
26 Intervenors’ or their constituencies’ interests “the kind of primacy” that Proposed
27 Intervenors will themselves provide. *Planned Parenthood Ariz., Inc. v. Am. Ass’n of Pro-*
28 *Life Obstetricians & Gynecologists*, 227 Ariz. 262, 279 ¶ 58 (App. 2011) (permitting

1 adversely affected groups to intervene in defense of challenged statute). Indeed, when an
2 original party to the suit is a government entity whose position is “necessarily colored by
3 its view of the public welfare rather than the more parochial views of a proposed intervenor
4 whose interest is personal to it,” the burden of establishing inadequacy of representation by
5 existing parties is “comparatively light.” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 972
6 (3d Cir. 1998).

7 Accordingly, courts routinely allow organizations to intervene on the same side as
8 government officials when the organizations and their members have interests that are
9 distinct from the public at large. *See, e.g., Saunders v. Superior Ct.*, 109 Ariz. 424, 426
10 (1973) (associations of police officers and firefighters were not adequately represented by
11 Attorney General in challenge to state pension system because “[t]he interest of petitioners
12 is not common to other citizens in the state”); *Citizens for Balanced Use v. Mont. Wilderness*
13 *Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (allowing environmental group to intervene where
14 it had different objectives from U.S. Forest Service); *Utah Ass’n of Cntys.*, 255 F.3d at
15 1255–56 (“[T]he government’s representation of the public interest generally cannot be
16 assumed to be identical to the individual parochial interest of a particular member of the
17 public merely because both entities occupy the same posture in the litigation.”); *Paher v.*
18 *Cegavske*, No. 3:20-cv-00243-MMD-WGC, 2020 WL 2042365, at *1 (D. Nev. Apr. 28,
19 2020) (granting intervention to political-party organizations alongside election officials);
20 *Ariz. All. for Retired Ams. v. Hobbs*, No. CV-22-01374-PHX-GMS, 2022 WL 4448320, at
21 *3 (D. Ariz. Sept. 23, 2022) (allowing Yuma County Republican Committee to intervene
22 alongside state and county election officials); *see also Trbovich v. United Mine Workers of*
23 *Am.*, 404 U.S. 528, 538 (1972) (union was not adequately represented by U.S. Secretary of
24 Labor where its interests in litigation were “related, but not identical”).

25 Consistent with this precedent, Arizona courts have recently allowed both the
26 Alliance and Voto Latino to intervene on the same side as government officials in
27 challenges to the administration of the state’s elections. *See Order Re: Nature of*
28 *Proceedings, Ariz. Free Enter. Club*, No. S1300CV202300872 (Yavapai Cnty. Super. Ct.

1 Oct. 27, 2023) (granting intervention to Alliance and Voto Latino in case seeking to
2 invalidate EPM provisions authorizing use of unstaffed ballot drop boxes); Order re: Nature
3 of Proceedings, *Ariz. Free Enter. Club*, No. S1300CV202300202 (Yavapai Cnty. Super. Ct.
4 Apr. 21, 2023) (granting intervention to nonprofit organizations, including Alliance, in case
5 seeking to invalidate EPM provision regarding signature-verification procedures). The
6 same result is appropriate here: The Court should grant intervention because no party,
7 including Defendants, adequately represents Proposed Intervenors’ interests.

8 **II. In the alternative, Proposed Intervenors should be granted permissive**
9 **intervention.**

10 In the alternative, the Court should grant Proposed Intervenors permissive
11 intervention because they have “a claim or defense that shares with the main action a
12 common question of law or fact.” Ariz. R. Civ. P. 24(b)(1)(B). Indeed, Proposed
13 Intervenors’ defenses depend on the same questions of law—namely, the proper
14 interpretation of Arizona’s election laws—that form the bases of Plaintiffs’ claims.

15 When such a requisite common question is present, Arizona courts consider other
16 factors to decide whether to grant permissive intervention, including:

17 the nature and extent of the intervenors’ interest, their standing to raise
18 relevant legal issues, the legal position they seek to advance, and its probable
19 relation to the merits of the case. The court may also consider . . . whether
20 the intervenors’ interests are adequately represented by other parties, whether
21 intervention will prolong or unduly delay the litigation, and whether parties
22 seeking intervention will significantly contribute to full development of the
23 underlying factual issues in the suit and to the just and equitable adjudication
24 of the legal questions presented.

22 *Bechtel*, 150 Ariz. at 72 (quoting *Spangler v. Pasadena City Bd. of Educ.*, 552 F.2d 1326,
23 1329 (9th Cir. 1977)). Here, these considerations favor permissive intervention.

24 *First*, Proposed Intervenors have distinct interests in ensuring their members and
25 constituents are not disenfranchised and in avoiding the diversion of their resources to voter-
26 education initiatives and other efforts in response to Plaintiffs’ requested relief. In
27 particular, as discussed above, allowing Plaintiffs to drastically upend Maricopa County’s
28 established election procedures—and to outlaw entire methods of voting relied on by

1 Proposed Intervenors’ members and constituents—would disproportionately impact
2 Proposed Intervenors and the communities they represent.

3 *Second*, as the only parties representing Arizona voters, Proposed Intervenors are
4 uniquely positioned to not only provide legal arguments relevant to Plaintiffs’ claims—as
5 noted above, they are now litigating these and similar issues in other pending cases—but
6 also address the injuries to voters and voter-advocacy groups that would follow from the
7 relief Plaintiffs seek (as well as the repeated misrepresentations of Arizona law that
8 Plaintiffs have propounded in this lawsuit). Moreover, Proposed Intervenors and their
9 counsel have significant experience litigating election and voting-rights matters in this
10 Court and, if granted intervention, would substantially contribute to robust analysis of the
11 relevant legal and factual issues.

12 *Third*, as discussed above, Proposed Intervenors’ interests are distinct from those of
13 the other parties here. The Alliance and Voto Latino represent their own organizational
14 interests and missions, as well as the interests and rights of their individual members and
15 constituents, many of whom are at particular risk of burden and disenfranchisement because
16 of this lawsuit.

17 *Finally*, Proposed Intervenors have promptly sought intervention, which will neither
18 delay the proceedings nor prejudice any party. To the contrary, Proposed Intervenors have
19 a particular interest in the expeditious resolution of this case to avoid uncertainty and
20 attendant harms to their organizational interests, members, and constituents.

21 Because Rule 24 is liberally construed to protect the rights of all interested parties,
22 *see Bechtel*, 150 Ariz. at 72, the Court should grant permissive intervention.

23 **CONCLUSION**

24 For these reasons, Proposed Intervenors respectfully request that the Court grant
25 their motion and allow them to intervene as defendants in these proceedings.²
26
27

28 ² Proposed Intervenors also respectfully request that the Court set a schedule regarding this Motion that allows for their participation in any briefing schedules and hearings.

1 RESPECTFULLY SUBMITTED this 9th day of February, 2024.

2 **COPPERSMITH BROCKELMAN PLC**

3 By: /s/ D. Andrew Gaona

4 D. Andrew Gaona

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11 *Voto Latino*

12 *Pro Hac Vice Application Forthcoming

13 ORIGINAL e-filed and served via electronic
14 means this 9th day of February, 2024, upon:

15 Honorable Jay R. Adleman
16 Maricopa County Superior Court
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4 /s/ Diana Hanson

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15 *Arizona Alliance for Retired Americans and*
Voto Latino

16 **Pro Hac Vice Application Forthcoming*

17 **ARIZONA SUPERIOR COURT**

18 **MARICOPA COUNTY**

19 STRONG COMMUNITIES FOUNDATION OF)
20 ARIZONA INCORPORATED; ERIC LOVELIS,)

21 Plaintiffs,)

22 v.)

23 MARICOPA COUNTY; BILL GATES, STEVE)
24 GALLARDO, THOMAS GALVIN, CLINT)
25 HICKMAN, and JACK SELLERS, in their)
official capacities as members of the Maricopa)
County Board of Supervisors; STEPHEN)
26 RICHER, in his official capacity as Maricopa)
County Recorder,)

Defendants.)

No. CV2024-002441

**[PROPOSED] ANSWER IN
INTERVENTION TO
PLAINTIFFS' COMPLAINT FOR
SPECIAL ACTION RELIEF**

(Assigned to the Hon. Jay R.
Adleman)

1 Proposed Intervenor-Defendants Arizona Alliance for Retired Americans and Voto
2 Latino (“Proposed Intervenor”) answer Plaintiffs’ Complaint for Special Action Relief
3 (“Complaint”) as follows:

4 **INTRODUCTION**

5 1. Proposed Intervenor admits that the cited article contains the quoted language and
6 that elections must be administered consistent with the requirements of state and federal law.
7 Proposed Intervenor otherwise deny the allegations in Paragraph 1 to the extent they suggest
8 that problems with the 2022 election in Maricopa County affected the outcome.

- 9 2. Deny.
- 10 3. Deny.
- 11 4. Deny.
- 12 5. Deny.
- 13 6. Deny.

14 7. Proposed Intervenor admits that, on January 29, 2024, the American Law Institute
15 issued a report titled *Ethical Standards for Election Administration*; that Defendant Bill Gates
16 served on the report’s drafting committee; and that the cited report contains the quoted language.
17 Paragraph 7 otherwise states a legal conclusion to which no response is required. To the extent
18 a response is required, Proposed Intervenor deny the allegations.

- 19 8. Deny.
- 20 9. Deny.

21 **PARTIES**

22 10. Proposed Intervenor lack sufficient knowledge or information to form a belief as
23 to the truth or falsity of the allegations in Paragraph 10 and therefore deny them.

24 11. Proposed Intervenor lack sufficient knowledge or information to form a belief as
25 to the truth or falsity of the allegations in Paragraph 11 and therefore deny them.

26 12. Paragraph 12 states a legal conclusion to which no response is required. To the
extent a response is required, Proposed Intervenor admit the allegations.

1 13. Proposed Intervenor s admit that Bill Gates, Steve Gallardo, Thomas Galvin, Clint
2 Hickman, and Jack Sellers are members of the Maricopa County Board of Supervisors. Proposed
3 Intervenor s deny that Bill Gates is the chairman of the Maricopa County Board of Supervisors.
4 Paragraph 13 otherwise states a legal conclusion to which no response is required. To the extent
5 a response is required, Proposed Intervenor s admit the allegations.

6 14. Proposed Intervenor s admit that Stephen Richer is the Maricopa County Recorder.
7 Paragraph 14 otherwise states a legal conclusion to which no response is required. To the extent
8 a response is required, Proposed Intervenor s admit the allegations.

9 **JURISDICTION**

10 15. Paragraph 15 states a legal conclusion to which no response is required. To the
11 extent a response is required, Proposed Intervenor s deny the allegations.

12 16. Paragraph 16 states a legal conclusion to which no response is required. To the
13 extent a response is required, Proposed Intervenor s deny the allegations.

14 17. Paragraph 17 states a legal conclusion to which no response is required. To the
15 extent a response is required, and the Court finds it has jurisdiction, Proposed Intervenor s admit
16 the allegations.

17 **GENERAL ALLEGATIONS**

18 18. Deny.

19 **Chain of Custody Failures**

20 19. Paragraph 19 states a legal conclusion to which no response is required. To the
21 extent a response is required, Proposed Intervenor s admit that the cited statute contains the
22 quoted language.

23 20. Paragraph 20 states a legal conclusion to which no response is required. To the
24 extent a response is required, Proposed Intervenor s admit that the EPM, at different sections,
25 contains provisions relating to counting ballots and specific forms, but deny the allegations to
26 the extent they mischaracterize the EPM.

1 21. Paragraph 21 states a legal conclusion to which no response is required. To the
2 extent a response is required, Proposed Intervenor admits that the cited statute contains the
3 quoted language.

4 22. Paragraph 22 states a legal conclusion to which no response is required. To the
5 extent a response is required, Proposed Intervenor admits that the cited statute contains the
6 quoted language.

7 23. Proposed Intervenor admits that the document cited in Paragraph 23 contains the
8 quoted language.

9 24. Proposed Intervenor admits that the document cited in Paragraph 24 contains the
10 quoted language.

11 25. Proposed Intervenor admits that the document cited in Paragraph 25 contains the
12 quoted language.

13 26. Proposed Intervenor admits that the document cited in Paragraph 26 contains the
14 quoted language.

15 27. Proposed Intervenor admits that the document cited in Paragraph 27 contains the
16 quoted language.

17 28. Proposed Intervenor lacks sufficient knowledge or information to form a belief as
18 to the truth or falsity of the allegations in Paragraph 28 and therefore deny them.

19 29. Proposed Intervenor lacks sufficient knowledge or information to form a belief as
20 to the truth or falsity of the allegations in Paragraph 29 and therefore deny them.

21 30. Proposed Intervenor lacks sufficient knowledge or information to form a belief as
22 to the truth or falsity of the allegations in Paragraph 30 and therefore deny them.

23 31. Proposed Intervenor lacks sufficient knowledge or information to form a belief as
24 to the truth or falsity of the allegations in Paragraph 31 and therefore deny them.

25 32. Proposed Intervenor lacks sufficient knowledge or information to form a belief as
26 to the truth or falsity of the allegations in Paragraph 32 and therefore deny them.

1 33. Paragraph 33 states a legal conclusion to which no response is required. To the
2 extent a response is required, Proposed Intervenors admit that the cited document contains the
3 quoted language, but otherwise deny the allegations.

4 **Reconciliation Failures**

5 34. Paragraph 34 states a legal conclusion to which no response is required. To the
6 extent a response is required, Proposed Intervenors admit that the cited statute contains the
7 quoted language.

8 35. Paragraph 35 states a legal conclusion to which no response is required. To the
9 extent a response is required, Proposed Intervenors admit that the cited statute contains the
10 quoted language.

11 36. Proposed Intervenors lack sufficient knowledge or information to form a belief as
12 to the truth or falsity of the allegations in Paragraph 36 and therefore deny them.

13 37. Proposed Intervenors admit that the document cited in Paragraph 37 contains the
14 quoted language.

15 38. Paragraph 38 states a legal conclusion to which no response is required. To the
16 extent a response is required, Proposed Intervenors admit that the reconciliation process serves
17 to avoid tabulation errors and deter fraud, but deny the allegations to the extent they suggest that
18 a failure of reconciliation procedures led to mistakes or fraud in previous Maricopa County
19 elections.

20 39. Proposed Intervenors lack sufficient knowledge or information to form a belief as
21 to the truth or falsity of the allegations in Paragraph 39 and therefore deny them.

22 **Failure of Voting Center Printers**

23 40. Proposed Intervenors lack sufficient knowledge or information to form a belief as
24 to the truth or falsity of the allegations in the first sentence of Paragraph 40 and therefore deny
25 them. Paragraph 40 otherwise states a legal conclusion to which no response is required. To the
26 extent a response is required, Proposed Intervenors admit that the cited statute contains the
quoted language.

1 41. Proposed Intervenors lack sufficient knowledge or information to form a belief as
2 to the truth or falsity of the allegations in Paragraph 41 and therefore deny them.

3 42. Proposed Intervenors lack sufficient knowledge or information to form a belief as
4 to the truth or falsity of the allegations in Paragraph 42 and therefore deny them.

5 43. Proposed Intervenors lack sufficient knowledge or information to form a belief as
6 to the truth or falsity of the allegations in Paragraph 43 and therefore deny them.

7 44. Proposed Intervenors lack sufficient knowledge or information to form a belief as
8 to the truth or falsity of the allegations in Paragraph 44 and therefore deny them.

9 45. Proposed Intervenors lack sufficient knowledge or information to form a belief as
10 to the truth or falsity of the allegations in Paragraph 45 and therefore deny them.

11 46. Proposed Intervenors lack sufficient knowledge or information to form a belief as
12 to the truth or falsity of the allegations in Paragraph 46 and therefore deny them.

13 47. Paragraph 47 states a legal conclusion to which no response is required. To the
14 extent a response is required, Proposed Intervenors deny the allegations.

15 **Racially Discriminatory Location of Voting Centers**

16 48. Proposed Intervenors lack sufficient knowledge or information to form a belief as
17 to the truth or falsity of the allegations in Paragraph 48 and therefore deny them.

18 49. Proposed Intervenors lack sufficient knowledge or information to form a belief as
19 to the truth or falsity of the allegations in Paragraph 49 and therefore deny them.

20 50. Paragraph 50 states a legal conclusion to which no response is required. To the
21 extent a response is required, Proposed Intervenors deny the allegations.

22 51. Proposed Intervenors lack sufficient knowledge or information to form a belief as
23 to the truth or falsity of the allegations in Paragraph 51 and therefore deny them.

24 52. Paragraph 52 states a legal conclusion to which no response is required. To the
25 extent a response is required, Proposed Intervenors deny the allegations.

26

1 **Unlawful Use of Software for Signature Verification**

2 53. Paragraph 53 states a legal conclusion to which no response is required. To the
3 extent a response is required, Proposed Intervenors admit that the cited statute contains the
4 quoted language, but deny the allegations to the extent they mischaracterize the statute.

5 54. Paragraph 54 states a legal conclusion to which no response is required. To the
6 extent a response is required, Proposed Intervenors deny the allegations.

7 55. Proposed Intervenors lack sufficient knowledge or information to form a belief as
8 to the truth or falsity of the allegations in Paragraph 55 and therefore deny them.

9 56. Proposed Intervenors lack sufficient knowledge or information to form a belief as
10 to the truth or falsity of the allegations in Paragraph 56 and therefore deny them.

11 57. Proposed Intervenors lack sufficient knowledge or information to form a belief as
12 to the truth or falsity of the allegations in Paragraph 57 and therefore deny them.

13 58. Proposed Intervenors lack sufficient knowledge or information to form a belief as
14 to the truth or falsity of the allegations in Paragraph 58 and therefore deny them.

15 59. Proposed Intervenors lack sufficient knowledge or information to form a belief as
16 to the truth or falsity of the allegations in Paragraph 59 and therefore deny them.

17 60. Proposed Intervenors lack sufficient knowledge or information to form a belief as
18 to the truth or falsity of the allegations in Paragraph 60 and therefore deny them.

19 61. Proposed Intervenors lack sufficient knowledge or information to form a belief as
20 to the truth or falsity of the allegations in Paragraph 61 and therefore deny them.

21 62. Proposed Intervenors lack sufficient knowledge or information to form a belief as
22 to the truth or falsity of the allegations in Paragraph 62 and therefore deny them.

23 63. Proposed Intervenors lack sufficient knowledge or information to form a belief as
24 to the truth or falsity of the allegations in Paragraph 63 and therefore deny them.

25 64. Proposed Intervenors admit that ballots are important. Paragraph 64 otherwise
26 states a legal conclusion to which no response is required. To the extent a response is required,
Proposed Intervenors deny the allegations.

1 65. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
2 to the truth or falsity of the allegations in Paragraph 65 and therefore deny them.

3 66. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
4 to the truth or falsity of the allegations in Paragraph 66 and therefore deny them.

5 67. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
6 to the truth or falsity of the allegations in Paragraph 67 and therefore deny them.

7 68. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
8 to the truth or falsity of the allegations in Paragraph 68 and therefore deny them.

9 69. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
10 to the truth or falsity of the allegations in Paragraph 69 and therefore deny them.

11 70. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
12 to the truth or falsity of the allegations in Paragraph 70 and therefore deny them.

13 71. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
14 to the truth or falsity of the allegations in Paragraph 71 and therefore deny them.

15 72. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
16 to the truth or falsity of the allegations in Paragraph 72 and therefore deny them.

17 **Unauthorized Cancellations of Voter Registration**

18 73. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
19 to the truth or falsity of the allegations in Paragraph 73 and therefore deny them.

20 74. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
21 to the truth or falsity of the allegations in Paragraph 74 and therefore deny them.

22 75. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
23 to the truth or falsity of the allegations in Paragraph 75 and therefore deny them.

24 76. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
25 to the truth or falsity of the allegations in Paragraph 76 and therefore deny them.

26 77. Proposed Intervenor's lack sufficient knowledge or information to form a belief as
to the truth or falsity of the allegations in Paragraph 77 and therefore deny them.

1 78. Proposed Intervenors lack sufficient knowledge or information to form a belief as
2 to the truth or falsity of the allegations in Paragraph 78 and therefore deny them.

3 79. Paragraph 79 states a legal conclusion to which no response is required. To the
4 extent a response is required, Proposed Intervenors deny the allegations.

5 80. Proposed Intervenors lack sufficient knowledge or information to form a belief as
6 to the truth or falsity of the allegations in Paragraph 80 and therefore deny them.

7 81. Proposed Intervenors lack sufficient knowledge or information to form a belief as
8 to the truth or falsity of the allegations in Paragraph 81 and therefore deny them.

9 **Unlawful Curing Procedures**

10 82. Paragraph 82 states a legal conclusion to which no response is required. To the
11 extent a response is required, Proposed Intervenors admit that the cited statute contains the
12 quoted language, but deny the allegations to the extent they mischaracterize the statute.

13 83. Proposed Intervenors lack sufficient knowledge or information to form a belief as
14 to the truth or falsity of the allegations in Paragraph 83 and therefore deny them.

15 84. Proposed Intervenors lack sufficient knowledge or information to form a belief as
16 to the truth or falsity of the allegations in Paragraph 84 and therefore deny them.

17 85. Proposed Intervenors lack sufficient knowledge or information to form a belief as
18 to the truth or falsity of the allegations in Paragraph 85 and therefore deny them.

19 86. Proposed Intervenors lack sufficient knowledge or information to form a belief as
20 to the truth or falsity of the allegations in Paragraph 86 and therefore deny them.

21 **Unstaffed Drop Boxes**

22 87. Proposed Intervenors lack sufficient knowledge or information to form a belief as
23 to the truth or falsity of the allegations in Paragraph 87 and therefore deny them.

24 88. Proposed Intervenors lack sufficient knowledge or information to form a belief as
25 to the truth or falsity of the allegations in the second sentence of Paragraph 88 and therefore deny
26 them. Paragraph 88 otherwise states a legal conclusion to which no response is required. To the

1 extent a response is required, Proposed Intervenor admit that the cited statute contains the
2 quoted language.

3 89. Paragraph 89 states a legal conclusion to which no response is required. To the
4 extent a response is required, Proposed Intervenor admit that the cited statute contains the
5 quoted language, but deny the allegations to the extent they mischaracterize the statute.

6 90. Proposed Intervenor lack sufficient knowledge or information to form a belief as
7 to the truth or falsity of the allegations in Paragraph 90 and therefore deny them.

8 91. Paragraph 91 states a legal conclusion to which no response is required. To the
9 extent a response is required, Proposed Intervenor admit that the cited statute does not define
10 the term “staffed” and that the cited case contains the quoted language, but deny the allegations
11 to the extent they mischaracterize the statute or case.

12 92. Admit.

13 93. Proposed Intervenor admit that the cited Oxford English Dictionary definition
14 contains the quoted language. Paragraph 93 otherwise states a legal conclusion to which no
15 response is required. To the extent a response is required, Proposed Intervenor deny the
16 allegations.

17 94. Paragraph 94 states a legal conclusion to which no response is required. To the
18 extent a response is required, Proposed Intervenor deny the allegations.

19 95. Paragraph 95 states a legal conclusion to which no response is required. To the
20 extent a response is required, Proposed Intervenor deny the allegations.

21 96. Paragraph 96 states a legal conclusion to which no response is required. To the
22 extent a response is required, Proposed Intervenor deny the allegations.

23 **COUNT I**

24 97. Proposed Intervenor incorporate by reference each of their preceding admissions,
25 denials, and statements as if fully set forth herein.

26

1 144. Paragraph 144 states a legal conclusion to which no response is required. To the
2 extent a response is required, Proposed Intervenors admit that the cited statute contains the
3 quoted language.

4 145. Paragraph 145 states a legal conclusion to which no response is required. To the
5 extent a response is required, Proposed Intervenors deny the allegations.

6 146. Paragraph 146 states a legal conclusion to which no response is required. To the
7 extent a response is required, Proposed Intervenors admit that the cited statute contains the
8 quoted language.

9 147. Paragraph 147 states a legal conclusion to which no response is required. To the
10 extent a response is required, Proposed Intervenors admit that cancellation of an Arizonan's
11 voter registration must comply with the requirements of state and federal law.

12 148. Paragraph 148 states a legal conclusion to which no response is required. To the
13 extent a response is required, Proposed Intervenors admit that cancellation of an Arizonan's
14 voter registration must comply with the requirements of state and federal law.

15 149. Paragraph 149 states a legal conclusion to which no response is required. To the
16 extent a response is required, Proposed Intervenors admit that the cited statute contains the
17 quoted language.

18 150. Paragraph 150 states a legal conclusion to which no response is required. To the
19 extent a response is required, Proposed Intervenors deny the allegations.

20 151. Proposed Intervenors lack sufficient knowledge or information to form a belief as
21 to the truth or falsity of the allegations in Paragraph 151 and therefore deny them.

22 152. Paragraph 152 states a legal conclusion to which no response is required. To the
23 extent a response is required, Proposed Intervenors deny the allegations.

24 **COUNT IX**

25 153. Proposed Intervenors incorporate by reference each of their preceding admissions,
26 denials, and statements as if fully set forth herein.

1 164. Proposed Intervenors lack sufficient knowledge or information to form a belief as
2 to the truth or falsity of the allegations in Paragraph 164 and therefore deny them.

3 165. Paragraph 165 states a legal conclusion to which no response is required. To the
4 extent a response is required, Proposed Intervenors deny the allegations.

5 166. Paragraph 166 states a legal conclusion to which no response is required. To the
6 extent a response is required, Proposed Intervenors deny the allegations.

7 167. Paragraph 167 states a legal conclusion to which no response is required. To the
8 extent a response is required, Proposed Intervenors deny the allegations.

9 168. Paragraph 168 states a legal conclusion to which no response is required. To the
10 extent a response is required, Proposed Intervenors deny the allegations.

11 **PRAYER FOR RELIEF**

12 Proposed Intervenors deny that Plaintiffs are entitled to any relief.

13 **GENERAL DENIAL**

14 Proposed Intervenors deny every allegation in Plaintiffs' Complaint that is not expressly
15 admitted herein.

16 **AFFIRMATIVE DEFENSES**

17 1. Plaintiffs' claims are barred in whole or in part for failure to state a claim upon
18 which relief can be granted.

19 2. Plaintiffs' claims are barred because Plaintiffs lack standing.

20 3. Plaintiffs' claims are barred in whole or in part for ripeness.

21 4. Plaintiffs' claims are barred because they seek relief inconsistent with the Arizona
22 and U.S. Constitutions.

23 5. Proposed Intervenors reserve the right to assert additional affirmative defenses—
24 including, but not limited to, those set forth in Arizona Rule of Civil Procedure 8(d)—as
25 additional facts are discovered.

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