

Exhibit 1

Joseph Branco (MCAO)

From: Emily Craiger <emily@theburgesslawgroup.com>
Sent: Wednesday, December 21, 2022 10:21 AM
To: Joseph Branco (MCAO)
Subject: Fwd: Meet and confer

Emily Craiger
The Burgess Law Group
Mobile: 602.318-0197
Email: Emily@theburgesslawgroup.com

From: tim timlasota.com <tim@timlasota.com>
Sent: Wednesday, December 21, 2022 10:03:47 AM
To: Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com>
Cc: Barr, Daniel (PHX) <DBarr@perkinscoie.com>; Burke, Samantha (PHX) <SBurke@perkinscoie.com>; Emily Craiger <emily@theburgesslawgroup.com>; Joseph LaRue <laruej@mcao.maricopa.gov>; Thomas Liddy <liddy@mcao.maricopa.gov>; Bo Dul <bo@statesuniteddemocracy.org>; Andy Gaona (AGaona@cblawyers.com) <AGaona@cblawyers.com>; Yost, Austin C. (PHX) <AYost@perkinscoie.com>
Subject: Re: Meet and confer

I will. Thanks.

Sent from my iPhone

On Dec 21, 2022, at 11:51 AM, Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com> wrote:

Thanks, Tim. Please keep us updated.

Alexis Danneman | Perkins Coie LLP

PARTNER

2901 North Central Avenue Suite 2000
Phoenix, AZ 85012-2788
D. +1.602.351.8201
F. +1.602.648.7000
E. ADanneman@perkinscoie.com

From: tim timlasota.com <tim@timlasota.com>
Sent: Wednesday, December 21, 2022 9:45 AM
To: Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com>
Cc: Barr, Daniel (PHX) <DBarr@perkinscoie.com>; Burke, Samantha (PHX) <SBurke@perkinscoie.com>; william.c.young@gmail.com; Emily Craiger <emily@theburgesslawgroup.com>; Joseph LaRue <laruej@mcao.maricopa.gov>; Thomas Liddy <liddy@mcao.maricopa.gov>; Bo Dul <bo@statesuniteddemocracy.org>; Andy Gaona (AGaona@cblawyers.com) <AGaona@cblawyers.com>
Subject: Re: Meet and confer

I am unable to at this time.

Sent from my iPhone

On Dec 21, 2022, at 11:27 AM, Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com> wrote:

Tim – Can you propose a timeline you would be willing to commit to?

We need to have plan to prepare this case, if you are wanting to have a hearing in two days.

Alexis

Alexis Danneman | Perkins Coie LLP

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8201

F. +1.602.648.7000

E. ADanneman@perkinscoie.com

From: tim timlasota.com <tim@timlasota.com>

Sent: Wednesday, December 21, 2022 9:17 AM

To: Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com>

Cc: Barr, Daniel (PHX) <DBarr@perkinscoie.com>; Burke, Samantha (PHX)

<SBurke@perkinscoie.com>; william.c.young@gmail.com; Emily Craiger

<emily@theburgesslawgroup.com>; Joseph LaRue <laruej@mcao.maricopa.gov>;

Thomas Liddy <liddyt@mcao.maricopa.gov>; Bo Dul <bo@statesuniteddemocracy.org>;

Andy Gaona (<AGaona@cblawyers.com> <AGaona@cblawyers.com>

Subject: Re: Meet and confer

We are not yet in agreement with the counties on ballot inspection. As such we cannot commit to such a timeline. Thanks.

Sent from my iPhone

On Dec 21, 2022, at 11:08 AM, Danneman, Alexis E. (PHX) <ADanneman@perkinscoie.com> wrote:

Tim,

Given the condensed timetable with trial on Friday, we propose the following schedule:

1. Exchange witnesses by 3pm today (Wednesday);
2. Exchange exhibit list by 12pm Thursday;
3. Objects to witnesses and exhibits by 5pm Thursday.

Thanks,

Alexis

Alexis Danneman | Perkins Coie LLP

PARTNER

2901 North Central Avenue Suite 2000

Phoenix, AZ 85012-2788

D. +1.602.351.8201

F. +1.602.648.7000

E. ADanneman@perkinscoie.com

From: tim timlasota.com <tim@timlasota.com>

Sent: Wednesday, December 21, 2022 5:24 AM

To: Barr, Daniel (PHX) <DBarr@perkinscoie.com>

Cc: Emily Craiger <emily@theburgesslawgroup.com>; Joseph LaRue

<laruej@mcao.maricopa.gov>; Thomas Liddy

<liddyt@mcao.maricopa.gov>; Danneman, Alexis E. (PHX)

<ADanneman@perkinscoie.com>; Bo Dul

<bo@statesuniteddemocracy.org>; Andy Gaona

(<AGaona@cblawyers.com>) <AGaona@cblawyers.com>

Subject: Re: Meet and confer

I disagree. This is clearly part of the right to inspect ballots. For one thing it is implicit in that right because without it inspection is difficult and potentially futile....

I do not understand why you will not provide this data. Other than your hyper technical explanation about it being beyond the scope of what is permitted.

Thanks, Tim

Sent from my iPhone

On Dec 20, 2022, at 11:38 PM, Barr, Daniel (PHX) <DBarr@perkinscoie.com> wrote:

Kris Mayes has selected Rahgan Jensen to be a member of the three member panel to examine the sample of ballots. Ms. Jensen is prepared to examine the ballots as soon as Judge Jantzen appoints a third member to the ballot inspection panel.

Inspection of anything other than ballots is not permitted by the statute.

Dan

Sent from my iPhone

On Dec 20, 2022, at 9:28 PM, Emily Craiger
<emily@theburgesslawgroup.com>
wrote:

Tim,

Your request for the unredacted Recount CVR is beyond the scope of the statute and the Court's order. Under A.R.S. § 16-677(B), your client may appoint one member of a three person panel to inspect ballots. No other discovery is permitted. Also, as the County has previously explained, it will not release the unredacted CVR. Further, the Recount CVR is currently under seal so even a redacted version cannot be released. As such, the County cannot agree to your request.

As we discussed on the phone this afternoon, the only day the County is able to facilitate this ballot inspection is tomorrow because of the hearing schedule in the *Lake v. Hobbs, et. al.* matter. We also informed you that preparing for the inspection takes a significant amount of time. Please let us know how your client intends to proceed.

Thanks, Emily

Emily Craiger
The Burgess Law Group
3131 East Camelback Road, Suite 224
Phoenix, Arizona 85016
Tel: 602.806.2104
Mobile: 602.318-0197
Email: Emily@theburgesslawgroup.com
Web: www.theburgesslawgroup.com



From: tim timlasota.com
<tim@timlasota.com>
Sent: Tuesday, December 20, 2022 7:17 PM
To: Emily Craiger
<emily@theburgesslawgroup.com>
Cc: Joseph LaRue
<laruej@mcao.maricopa.gov>; Thomas Liddy <liddyt@mcao.maricopa.gov>
Subject: Re: Meet and confer

Dear All:

We propose as follows:
request a copy of unredacted Recount
CVR to include both RecordId and
ImageMask fields intact but NOT
ballot image.
In this way we will ascertain which
ballot images we want to review.

Then, Maricopa Elections can load
the ballot images we request at
MCTEC and we will send our
inspector to review them.

From this selected subset ballot
image review we will further narrow
our request for physical ballots to
inspect.

We are happy to jump on a call
tomorrow.

Best, Tim

Sent from my iPhone

On Dec 20, 2022, at
5:17 PM, Emily
Craiger
<emily@theburgesslawgroup.com> wrote:

We're on the
call. Thanks

-----Original
Message-----

From: tim
timlasota.com
<tim@timlasota.com
>

Sent: Tuesday,
December 20, 2022
3:14 PM

To: Emily Craiger
<emily@theburgesslawgroup.com>

Cc: Joseph LaRue
<laruej@mcao.maricopa.gov>; Thomas
Liddy
<liddyt@mcao.maricopa.gov>

Subject: Re: Meet and
confer

Call in: 267-930-4000
pin is 876241734

Let's shoot for 520

Sent from my iPhone

On
Dec
20,
2022,
at 5:11

PM,
Emily
Craig
<emily@theburgesslawgroup.com>

>
wrote:

Tim,

We are going to call you in about five minutes. What's the best number?

Thanks,
Emily

Original
Message-----

From:
tim
timlaso
ta.com
<tim@timlaso.com>
>

Sent:
Tuesday,
December 20,

2022

2:59

PM

To:

Emily

Craiger

<[emily](mailto:emily@theburgesslawgroup.com)

[@theburgesslawgroup.com](mailto:emily@theburgesslawgroup.com)

>

Cc:

Joseph

LaRue

<[laruej](mailto:laruej@mcaomari.copa.gov)

[@mcaomari.copa.gov](mailto:laruej@mcaomari.copa.gov)

>;

Thoma

s

Liddy

<[liddyt](mailto:liddyt@mcaomari.copa.gov)

[@mcaomari.copa.gov](mailto:liddyt@mcaomari.copa.gov)

>

Subject

: Meet

and

confer

Ms.

Craiger

, I

didn't

hear

back

from

you

with

my

earlier

email.

In the

event

we

were

success
ful I
wanted
to get
the ball
rolling
which
is why
I
emaile
d. But
we
now
have
the
ruling.
Can
we
meet
and
confer
today?
We
are
availab
le.

Thanks
, Tim
La
Sota

Sent
from
my
iPhone

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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Exhibit 2

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-095403

12/19/2022

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT

V. Felix

Deputy

KARI LAKE

BRYAN JAMES BLEHM

v.

KATIE HOBBS, et al.

DAVID ANDREW GAONA

THOMAS PURCELL LIDDY
COURT ADMIN-CIVIL-ARB DESK
DOCKET CV TX
JUDGE THOMPSON

MINUTE ENTRY

Plaintiff Kari Lake filed a Motion to Expedite Discovery pursuant to Arizona Rules of Civil Procedure 26(f) and 34(b)(3)(A). Defendants Maricopa County and Katie Hobbs have filed responses opposing the motion, and Plaintiff has filed a reply. Defendants have filed motions to quash subpoenas issued to Secretary of State Katie Hobbs and Maricopa County Recorder Stephen Richer, Plaintiff filed a response. Defendant Hobbs in her personal capacity joined the Motion to Quash. The Court has read and considered the filings and rules as follows.

I. Plaintiff's Email Discovery Request

Plaintiff requests expedition of a request for production under Rule 34 of any emails Defendants sent to, and/or received from, a single email address in relation to Count I of their verified statement of election contest. At the outset, the Court notes that the only relevance such emails could have to the instant action is to Count I of the complaint. Because this Count was dismissed, the request is moot and could be denied on that basis alone. The Court continues its analysis to offer clarity concerning discovery in this action.

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MARICOPA COUNTY

CV 2022-095403

12/19/2022

II. Application of the Civil Rules

Defendants argue that the Rules of Civil Procedure do not govern an election contest. This is not so.

Arizona Rule of Civil Procedure 1 provides that the Rules cover all “proceedings in the superior court of Arizona.” Without question, a verified statement of election contest – which must be filed in superior court – is just such an action. A.R.S. § 16-672(B). Thus, absent a conflict with the governing statute, this court must apply the civil rules to election contests. This is why election contests are subject to motions to dismiss under Rule 12(b)(6). *See e.g. Griffin v. Buzard*, 86 Ariz. 166, 169-70 (1959) (applying Rule 12(b)(6)); *Hancock v. Bisnar*, 212 Ariz. 344, 348, ¶ 17 (2006) (applying Rule 8(a)); *see also Finchem v. Fontes*, CV2022053927, December 16, 2022 Under Advisement Ruling at *3-4.

III. Harmonizing the Rules and the Statutes

This broader point does not merit granting Lake’s motion. In the case of an election contest, the timelines of which are compressed far beyond an ordinary civil contest, it is not merely difficult to comply with both the statute and civil rules – it is conceptually impossible to do so. An answer must be filed within five days a statement of contest is filed. A.R.S. § 16-675(A). The Court must hold a trial no later than ten days following the filing of the statement of contest, or fifteen days with a showing of good cause. A.R.S. § 16-676(A). A court must render judgment within five days of trial. *Id.* at (B). The Court agrees with Plaintiff that the statute is irreconcilable with the timelines permitted for discovery under Rules 26, and 34.

But, in a case where a constitutionally enacted substantive statute conflicts with a procedural rule, the statute prevails. *Albano v. Shea Homes Ltd. P’ship*, 227 Ariz. 121, 127, ¶ 26 (2011). Accordingly, the tight timelines and absence of opportunity for discovery – without which a dispute of this type could not conclude on-time – prevail over the ordinary civil rule of procedure.

Moreover, to arbitrarily reduce deadlines, modify or waive procedural safeguards in discovery and discovery disputes, and to do so for the duration for an entire action, would be an exercise in amending the civil rules. This is forbidden territory for a trial court, as only the Arizona Supreme Court may amend the Rules of Civil Procedure. *Cullen v. Auto Owners Ins. Co.*, 218 Ariz. 417, 420, ¶¶ 11-12 (2008).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-095403

12/19/2022

To grant the requested discovery of emails would also go beyond the discovery that is expressly contemplated by the governing statutes, i.e. ballot inspection, and would drastically expand the scope of litigation. *See* A.R.S. § 16-677. Reading the provision for ballot inspection alongside the timelines imposed on the parties and court to hold a trial, the Court finds that the legislature did not intend for parties to have the right to discovery attendant with other civil actions. The Court is also mindful of the potential for transforming election contests of limited scope into a lightning-round of discovery disputes.

This Court reiterates that it must harmonize conflicting rules and statutes. *State v. Fell*, 249 Ariz. 1, 3, ¶ 10 (App. 2020) (citation omitted). And in this instance the substantive statute – with its strict timelines and limited room for discovery that define the parameters of an election challenge – must prevail over civil rules which simply do not fit in these cramped confines.

IV. Defendants' Motions to Quash

Plaintiff seeks testimony at the upcoming evidentiary hearing on the election contest from Secretary Hobbs and Recorder Richer.

All Defendants urge the Court to quash the depositions on apex doctrine grounds. Apex doctrine “provides some protection from depositions to high-level executives and government officials.” *Tierra Blanca Ranch High Cntry. Youth Program v. Gonzales*, 329 F.R.D. 694, 696 (D.N.M. 2019). While adopted by a number of federal district courts as an interpretation of Federal Rule of Civil Procedure 26(b)(2)(C) and (b)(1), Arizona courts have never applied apex doctrine under the analogous Arizona Rule of Civil Procedure 26. While the Court is sensitive to the need to have discovery be proportional to the needs of the case, the Court is not inclined to apply a blanket rule that high-level government officials can never be called to testify.

Defendant Hobbs in her capacity as Secretary of State argues that the subpoena must be quashed or modified if it subjects a person to “undue burden or expense.” Ariz. R. Civ. P. 45(e)(2)(A)(iv). The Court finds, 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 burden on the Secretary would be undue, or that the testimony is “completely irrelevant or marginally relevant.” *See Arkansas St. Conf. NAACP v. Arkansas Bd. of Apportionment*, 2022No. 4:21-CV-01239-LPR, 2022 WL 300917, at *8 (E.D. Ark. Jan. 31, 2022). This is the only form of discovery that can be done to conduct a two-day trial in a single week. The imposition on the Secretary’s time as a public official, while regrettable – *see id.* (“Requiring a high-level government official to testify in any form takes that official away from doing the public’s business.”) – is minimal. It is also discovery concerning an activity wholly within her wheelhouse: the conduct of elections.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-095403

12/19/2022

Similarly, while the Recorder is burdened by the inconvenience of travel, he nonetheless has relevant knowledge concerning the application of Maricopa County's Election Manual over the entire county, and the methodology for maintaining chain of custody. This is similarly within his expertise as a public official.

It is unclear whether Plaintiff seeks Katie Hobbs's testimony in her personal capacity as well. It is not clear what for, as it is only in her capacity as Secretary of State that she has any knowledge relevant to any claims, even prior to the partial dismissal this afternoon. Consequently, this denial of the motion to quash is limited to testimony in Defendant Hobbs's capacity as Secretary of State.

Therefore:

IT IS ORDERED that Plaintiff's motion to expedite discovery is DENIED.

IT IS FURTHER ORDERED that Defendants' motions to quash subpoenas issued to Secretary of State Katie Hobbs and Maricopa County Recorder Stephen Richer are DENIED.

Exhibit 3

NOV 29 2022 11:20a.m.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-015455

11/29/2022

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
A. Meza
Deputy

ABRAHAM HAMADEH, et al.

TIMOTHY A LASOTA

v.

KRIS MAYES, et al.

DANIEL C BARR

COCHISE COUNTY BOARD OF
SUPERVISORS
NO ADDRESS ON RECORD
GREENLEE COUNTY BOARD OF
SUPERVISORS
NO ADDRESS ON RECORD
DAVID ANDREW GAONA
KIMBERLY HUNLEY
KORY A LANGHOFER
SAMBO DUL
CELESTE MARIE ROBERTSON
MARK D BYRNES
JEFFERSON R DALTON
CEPHAS A PERKINS
RYAN N DOOLEY
KAREN HARTMAN-TELLEZ
RYAN ESPLIN
JASON MOORE
DANIEL JURKOWITZ
CRAIG C CAMERON
COLLEEN CONNOR
WILLIAM J KEREKES
COURT ADMIN-CIVIL-ARB DESK
DOCKET CV TX
JUDGE WARNER

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-015455

11/29/2022

MINUTE ENTRY

Under advisement are two motions to dismiss this election contest, and Plaintiffs' response. The Court concludes that this matter is premature under the election contest statute, and therefore dismisses it without prejudice to the filing of an election contest after the canvass and declaration of election results have occurred.

Plaintiff Hamadeh is the Republican Party candidate for Attorney General. He and the Republican National Committee filed this election contest on November 22, 2022, challenging the election of the Democratic Party candidate for Attorney General, Defendant Mayes.

Arizona law allows any elector of the State to file an election contest "of any person declared elected to a state office." A.R.S. § 16-672(A). The contest must be filed "within five days after completion of the canvass of the election and declaration of the result thereof by the secretary of state or by the governor." A.R.S. § 16-673(A). Under these statutes there can be no election contest until after the canvass and declaration of results because, until then, no one is "declared elected." It is undisputed that the canvass and declaration of results for the November 2022 election have not occurred.

Plaintiffs argue that the result of the election is now known, and the declaration of results is just a ministerial act. But an election contest is a statutory remedy, and the Court is required to follow the statutes' requirements.

Plaintiffs also argue that this lawsuit is, in addition to an election contest, a special action in the nature of mandamus. Special action relief, however, is available only where there is no adequate legal remedy. Here the election contest statute provides the remedy and process for challenging an election. *See Donaghey v. Attorney General*, 120 Ariz. 93, 95 (1978) (a mandamus action could not be brought when the "gravamen" of the complaint was that the election was improperly conducted).

For these reasons, Plaintiffs' lawsuit is premature. That does not mean Plaintiffs must wait to file suit until after a recount, which everyone agrees will be needed for this race. Rather, A.R.S. § 16-667 contemplates that an election contest might be filed despite a pending recount, and directs that "upon the initiation of such a contest, a proceeding begun under this article shall abate."

Based on this ruling, it is unnecessary to decide the remaining issues raised in the motions to dismiss.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-015455

11/29/2022

IT IS ORDERED granting Defendant Kris Mayes' Motion To Dismiss and Arizona Secretary Of State Katie Hobbs' Motion To Dismiss Statement Of Election Contest. This matter is dismissed without prejudice.



JUDGE OF THE SUPERIOR COURT