IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA

HONORABLE LEE F. JANTZEN **CHRISTINA SPURLOCK, CLERK OF SUPERIOR COURT**
DIVISION: IV COURTROOM: 201 **M. BROOKS, DEPUTY CLERK**
COURT REPORTER: CHELSEA VOIGT **HEARING DATE: 12/22/2022**

JEANNE KENTCH, an individual; TED BOYD, an individual; ABRAHAM HAMADEH, an individual and REPUBLICAN NATIONAL COMMITTEE, a federal political party committee, **Plaintiffs,** **vs.** **KATIE HOBBS, et al.,** **Defendant(s).**	**CASE NO: CV-2022-01468** **EMERGENCY HEARING** **START: 8:31 A.M.**

REMOTE APPEARANCES: Timothy LaSota, David Warrington (Pro Hac Vice) and Gary Lawkowski (Pro Hac Vice), Attorneys for Plaintiff; Sambo Dul, Attorney for Defendant Secretary of State Katie Hobbs; Dan Barr, Alexis Danneman, Matthew Koerner, Attorneys for Defendant Kris Mayes; Jean Roof, Joseph Larue, Attorneys for Maricopa County; Daniel Jurkowitz, Attorney for Pima County; Jeff Haws, Attorney for Mohave County, appearing in the courtroom.

This is the time set for an Emergency Hearing. The Court notes it recognizes there are parties in this matter attending another hearing today related to similar issues; and notes today's hearing was set on short notice.

The Court notes it has received the request for today's hearing from Counsel La Sota based on the inability of parties to come to agreement on inspection of the ballots; notes it has reviewed Counsel La Sota's pleading filed yesterday titled Response to Court's Order Requiring Written Submissions Regarding Issues on Which No Agreement Has Been Reached; has received the Notice Regarding Inspection of Ballots filed by the Maricopa County Defendants, the Response filed by Mayes Defendants, the Response to Request to Appoint Inspectors filed by Navajo County, and the Motion to Dismiss filed by Pima County; and shall discuss all these details today.

The Court notes an agreement was not reached regarding the ballot inspection and inquires as to what Counsel La Sota wishes to put on record today.

Counsel La Sota states Kenneth Bennett, Secretary of State, is present and prepared to testify consistent to his declaration; states the Cast Vote Record (CVR) is critically necessary to inspect the ballots; and inquires to allowing Kenneth Bennett to testify.

The Court notes it has reviewed the attachment, which is signed by Kenneth Bennett under oath, and accepts it as Mr. Bennett's testimony.

Counsel La Sota provides his argument to the Court regarding the CVR; requests a Provisional Ballot list be provided by Maricopa County; and requests resetting tomorrow's Evidentiary Hearing to next Tuesday, December 27, 2022.

The Court notes the CVR request is not in the original Petition for Inspection of Ballots.

Counsel La Sota addresses the Court noting the CVR was placed in a subsequent briefing to the Court.

Counsel Danneman addresses the Court regarding the CVR and Counsel La Sota's Petition for Inspection of Ballots.

The Court inquires to readiness to inspect ballots.

Counsel Danneman addresses the Court regarding appointing a three-person team for inspection of ballots; and states they are ready to inspect ballots today, if so ordered.

Counsel Larue presents his argument to the Court regarding the inspection of ballots; and provides his argument as to the CVR requested by Counsel La Sota.

The Court inquires to Counsel Larue's position as to the timeframe of resetting the Evidentiary Hearing to Tuesday, December 27, 2022.

Counsel Larue states to the Court he believes resetting the hearing to Tuesday, December 27, 2022 is too late; states he believes the 10 days is a statutory rule which is subject to strict compliance; states he does not see any authority to extend this matter beyond the 10 days; and provides his argument regarding the three-person team for inspection of ballots.

Counsel Dul states her client agrees with the points raised by Maricopa County Defendants, as well as Kris Mayes; addresses the CVR issue; requests the Court reject Plaintiff's request; states her client joins in the Defendants' objection to the Plaintiff's request to have the Court appoint multiple boards for ballot inspection; states her client objects to Plaintiff's position stating it would turn 16-677 into a backdoor to unauthorized recount of ballots; and provides their argument to the Court.

The Court notes it believes Plaintiff's request was to inspect in Maricopa County, Pima County and Navajo County with three (3) separate three-person boards for each county, nine (9) people in total; addresses the expedited time of this case; and inquires to Counsel Moore's position to the ballot inspection of Navajo County.

Counsel Moore states they filed a response yesterday with the Court noting the response was as to Counsel La Sota's filed response; and provides his position regarding the ballot inspection of Navajo County to the Court.

The Court notes Counsel Jurkowitz's client has filed a Motion to Dismiss based on late access to this case; notes arguments have been made and it has previously ruled on other Motions to Dismiss in this matter; states it does not believe laches applies to the timeliness of the filing; and allows Counsel Jurkowitz to provide his argument.

Counsel Jurkowitz addresses the Court regarding his laches argument, stating Plaintiffs served Pima County yesterday afternoon; provides his argument to the Court; objects to this case going forward; and states, if Court orders the ballot inspection today, they are prepared to go forward, to the best of their ability.

Counsel La Sota informs the Court correspondence was conducted with Counsel Jurkowitz last week, stating Pima County made such acceptance of service contingent upon 60 days to respond to the complaint; and provides his argument to the Court.

The Court inquires, if Plaintiff does not receive the CVR, how they propose inspecting ballots.

Counsel La Sota addresses the Court regarding timelines; notes it would like to receive the CVR, noting if that is not possible, they plan to proceed with what they have before them.

Counsel Danneman provides her argument to the Court stating they strongly object to resetting tomorrow's hearing, as well as the appointed team for inspection.

Counsel Haws provides their position to the Court stating Mohave County has suggested a court-appointed inspector of Christina Estes-Werther from Pierce Coleman, PLLC; notes their interest in resolving this matter; provides their argument as to CVR; and states they are in agreement with the arguments of the other counties as to a three-person team for inspection of ballots.

Counsel Larue concurs with Navajo County and Mohave County as to statute 16-624, stating Maricopa County is currently under a court-ordered recount, noting the ballots remain in the custody and control of the current custodian.

Counsel La Sota provides further argument the Court; requests the CVR be provided today, to conduct the ballot inspection tomorrow and resetting the Evidentiary Hearing to Tuesday, December 27, 2022.

Counsel Danneman provides further argument to the Court regarding extending the Evidentiary Hearing.

The Court addresses the parties regarding the timeliness of this case.

IT IS ORDERED denying Pima County's Motion to Dismiss.

The Court finds Pima County is present and that they are able to participate in this matter.

The Court addresses the parties regarding a three-person panel appointment for the inspection of ballots; noting the CVR was not requested in the original Petition for Inspection of Ballots and shall not allow it at this time.

The Court notes an inspection of the ballots by the Plaintiffs shall be done today and will move forward with the Evidentiary Hearing set for tomorrow, Friday, December 23, 2022.

The Court further notes it believes the inspection of ballots to be done in all three counties by three (3) different three-person boards.

The Court requests Counsel La Sota create an Order with the names for appointed people of three-person board.

Counsel Jurkowitz states they have identified Barbara Tellman who is available to serve in such capacity.

The Court requests counsel get together to create an order with all names of available persons for appointment of three-person board today and states it shall sign the order upon presentation.

Counsel La Sota states to the Court they will send a draft order to all parties.

Counsel Larue addresses the Court.

The Court notes the Evidentiary Hearing shall go forward tomorrow, Friday, December 23, 2022, starting at 9:00 a.m. The Court informs the parties they may appear via Zoom for that hearing.

Counsel Danneman notes the Court ordered the exhibits for the Evidentiary Hearing to be submitted by 4:00 p.m. today and requests witnesses be exchanged by 4:00 p.m.

The Court notes witnesses shall be exchanged by 4:00 p.m. today to all parties.

Counsel Roof inquires to appearing for tomorrow's hearing and requests being excused.

The Court states parties only need to appear who are nominal parties involved in this matter and informs Counsel Roof they are not required to appear for the Evidentiary Hearing.

Discussion ensues regarding language of the drafted order to be presented.

The Court recesses at 9:42 a.m.

cc:

TIMOTHY A LA SOTA, PLC *
Timothy A La Sota / *tim@timlasota.com*
2198 E. Camelback Rd., Ste. 305
Phoenix, AZ 85016
Attorney for the Plaintiffs

DHILLON LAW GROUP, INC. *
David A. Warrington / *dwarrington@dhillonlaw.com*
Gary Lawkowski / *glawkowski@dhillonlaw.com*
2121 Eisenhower Ave., Ste. 608
Alexandria, VA 22314
Pro Hac Vice / Plaintiffs

COPPERSMITH BROCKELMAN PLC *
D. Andrew Gaona / *agaona@cblawyers.com*
2800 N. Central Ave., Ste. 1900
Phoenix, AZ 85004
Attorney for Defendant/Secretary of State Katie Hobbs

STATES UNITED DEMOCRACY CENTER *
Sambo (Bo) Dul / *bo@stateuniteddemocracy.org*
8205 S. Priest Dr., #10312
Tempe, AZ 85284
Attorney for Defendant/Secretary of State Katie Hobbs

PERKINS COIE, LLP *
Dan C. Barr / *dbarr@perkinscoie.com*
Alexis Danneman / *ADanneman@perkinscoie.com*
Alexis Yost / *AYost@perkinscoie.com*
Samantha J Burke / *sburke@perkinscoie.com*
Attorneys for Kris Mayes

MARICOPA COUNTY ATTORNEY'S OFFICE *
C-civilmailbox@mcao.maricopa.gov
Joseph La Rue / *Laruej@mcao.maricopa.gov*
Karen Hartman-Tellez / *hartmank@mcao.maricopa.gov*
Joe Branco / *brancoj@mcao.maricopa.gov*
Attorneys for Maricopa County

THE BURGESS LAW GROUP *
Emily Craiger / *emily@theburgesslawgroup.com*
3131 E. Camelback Rd., Ste. 224
Phoenix, AZ 85016
Attorney for Maricopa County

APACHE COUNTY ATTORNEY'S OFFICE *
Celeste Robertson / *CRobertson@apachelaw.net*
Joseph Young / *JYoung@apachelaw.net*
Attorneys for Defendants Larry Noble, Apache County Recorder, and Apache County Board of Supervisors

COCHISE COUNTY ATTORNEY'S OFFICE *
Christine J. Roberts / *CRoberts@cochise.az.gov*
Paul Correa / *PCorrea@cochise.az.gov*
Attorneys for Defendants David W. Stevens, Cochise County Recorder, and Cochise County Board of Supervisors

COCONINO COUNTY ATTORNEY'S OFFICE *
Bill Ring / *Wring@coconino.az.gov*
Attorney for Defendants Patty Hansen, Coconino County Recorder, and Coconino County Board of Supervisors

GILA COUNTY ATTORNEY'S OFFICE *
Jeff Dalton / *JDalton@gilacountyaz.gov*
Attorney for Defendants Sadie Jo Bingham, Gila County Recorder, and Gila County Board of Supervisors

GRAHAM COUNTY ATTORNEY'S OFFICE *
Jean Roof / *jroof@graham.az.gov*
Attorney for Graham County Recorder and Board of Supervisors

GREENLEE COUNTY ATTORNEY'S OFFICE *
Scott Adams / *Sadams@greenlee.az.gov*
Attorney for Defendants Sharie Milherio, Greenlee County Recorder and Greenlee County Board of Supervisors

LA PAZ COUNTY ATTORNEY'S OFFICE *
Ryan N. Dooley / *RDooley@lapazcountyaz.org*
Attorney for Defendants Richard Garcia, La Paz County Recorder, and La Paz County Board of Supervisors

MOHAVE COUNTY ATTORNEY'S OFFICE *
Ryan Esplin / *EspliR@mohave.gov*
Attorney for Defendants Kristi Blair, Mohave County Recorder, and Mohave County Board of Supervisors

NAVAJO COUNTY ATTORNEY'S OFFICE *
Jason S. Moore / *Jason.moore@navajocountyaz.gov*
Attorney for Defendants Michael Sample, Navajo County Recorder, and Navajo County Board of Supervisors

PIMA COUNTY ATTORNEY'S OFFICE *
Daniel Jurkowitz / *Daniel.Jurkowitz@pcao.pima.gov*
Ellen Brown / *Ellen.Brown@pcao.pima.gov*
Javier Gherna / *Javier.Gherna@pcao.pima.gov*
Attorney for Defendants Gabriella Cazares-Kelly, Pima County Recorder, and Pima County Board of Supervisors

PINAL COUNTY ATTORNEY'S OFFICE *
Craig Cameron / *craig.cameron@pinal.gov*
Scott Johnson / *scott.m.johnson@pinal.gov*
Allen Quist / *allen.quist@pinal.gov*
Jim Mitchell / *james.mitchell@pinal.gov*
Attorney for Pinal County Recorder

SANTA CRUZ COUNTY ATTORNEY'S OFFICE *
Kimberly Hunley / *khunley@santacruzcountyaz.gov*
William Moran / *wmoran@santacruzcountaz.gov*
Attorneys for Defendants Suzanne Sainz, Santa Cruz County Recorder and Santa Cruz County Board of Supervisors

YAVAPAI COUNTY ATTORNEY'S OFFICE *
Colleen Conner / *Colleen.connor@yavapaiaz.gov*
Thomas Stoxen / *Thomas.Stoxen@yavapaiaz.gov*
Attorneys for Yavapai County Recorder

YUMA COUNTY ATTORNEY'S OFFICE *
Bill Kerekes / *bill.kerekes@yumacountyaz.gov*
Attorney for Yuma County Recorder

HONORABLE LEE F. JANTZEN *
Division IV