

**IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA**

**HONORABLE LEE F. JANTZEN
DIVISION: IV COURTROOM: 201
COURT REPORTER: STEVE GARWOOD**

**CHRISTINA SPURLOCK, CLERK OF SUPERIOR COURT
M. BROOKS, DEPUTY CLERK
HEARING DATE: 12/23/2022**

**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

EVIDENTIARY HEARING

START: 9:00 A.M.

REMOTE APPEARANCES: Timothy LaSota, David Warrington (Pro Hac Vice) and Gary Lawkowski (Pro Hac Vice), Attorneys for Plaintiffs; Ted Boyd, Plaintiff; Abraham Hamadeh, Plaintiff; Jeanne Kentch, Plaintiff; Andrew Gaona and Sambo Dul, Attorneys for Defendant Secretary of State Katie Hobbs; Daniel Barr, Alexis Danneman, Austin Yost, Samantha Burke, Rahgen Jensen, and Matthew Koerner, Attorneys for Defendant Kris Mayes; Joseph La Rue, Craiger, Jack O’Connor, Rosa Aguilar, Joe Branco, and Karen Hartman-Tellez, Attorneys for Maricopa County; Daniel Jurkowitz, Attorney for Pima County; Jason Moore, Attorney for Navajo County; Ryan Esplin, Attorney for Mohave County, appearing in the courtroom.

Prior to convening, exhibits were uploaded into the court’s digital evidence portal, CaseLines (See Attached).

This is the time set for an Evidentiary Hearing.

Counsel Esplin notes for the record that there was ex parte communication with the Court on December 21, 2022 regarding the appointment of an inspector; notes the Court inquired as to how the County would find an inspector, stating discussion has been conducted regarding such.

The Court has reviewed the file; has received and reviewed Trial Briefs, Memoranda and Briefs from the Mayes Defendants and the Hobbs Defendants, as well as a Motion from Counsel La Sota to grant an order of inspected ballots to be released, noting there did not appear to be any opposition to the order in the Motion which the Court granted.

Counsel Jurkowitz informs the Court Pima County conducted ballot inspection according to the Court’s order yesterday, stating no inaccuracy was found on any ballot pulled by the inspection team; states ballots are being transferred to the Treasurer’s office; and strongly objects the ballots to be pulled a second time.

Counsel La Sota informs the Court they are not requesting for Pima County ballots to be produced to the Court.

Counsel La Rue clarifies that the Court ordered that the ballots produced be entered as exhibits; states that they have no objections; and requests the ballots in Plaintiff's exhibits be kept under seal and not be shown to the public.

IT IS ORDERED Plaintiff's exhibits of ballots are to be kept under seal.

Counsel La Sota informs the Court their inspectors have reviewed ballots; requests there be a stipulation that any ballots that any party wants admitted be admitted to this court; states they will ask for a ruling on the ballots that are submitted as exhibits; notes the county believed a Court order was needed before sharing their exhibits and has not uploaded any yet for that reason; and requests Court make a ruling on how the ballots fall out in terms of erroneous ballots.

Counsel La Sota states they will renew their Petition to Inspect Ballots; and renews their Motion to Expedite Discovery.

Counsel Barr stipulates to the admission of Plaintiff's exhibits; Counsel Gaona states they take no position, subject to the limitation mentioned by Counsel La Rue that ballot images not be broadcasted to the public; and Counsel La Rue states he does not object.

Counsel La Sota informs the Court the ballots contained in the exhibits are from Maricopa County.

Counsel Moore states, with regard to the ballot images requested, pursuant to the Court order and limitations on making those public, they are working on sending nine (9) ballot images to Counsel La Sota.

Counsel La Sota informs the Court they are not requesting the ballots from Navajo County; Counsel Barr informs the Court they are also not requesting the ballots from Navajo County.

Pursuant to stipulation by all relevant parties to the ballots requested by Counsel La Sota from Maricopa County, **IT IS ORDERED** admitting Plaintiff's Exhibits A0001 through A0014.

Counsel Barr provides their opening statement to the Court.

Discussion ensues regarding Counsel La Sota's evidence to be presented today.

Counsel Gaona provides their opening statement to the Court.

Counsel La Rue requests a 10-minute recess to allow Counsel La Sota to upload his exhibits to CaseLines; noting they expect to call Scott Jerrett, Co-Elections Director, to walk through the ballots to explain Maricopa County's processes.

Counsel Gaona requests Counsel La Sota provide the ballot images to Secretary's counsel, subject to the Court's sealing Order, noting they shall not disseminate beyond counsel. Counsel La Rue concurs and requests the same.

The Court informs all parties to follow the same order of the ballot exhibits being sealed in this matter.

The Court stands in recess at 9:22 a.m.

The Court reconvenes at 9:46 a.m.; all parties mentioned heretofore are present, now show Counsel Esplin appearing by Zoom.

The Court notes that prior to convening, 14 new exhibits have been uploaded into CaseLines by Counsel La Sota.

Pursuant to the stipulation before the break, **IT IS ORDERED** admitting Plaintiff's Exhibits A0001 through A0014, all-inclusive, into evidence for the Court to consider in this matter.

IT IS FURTHER ORDERED Exhibits A001 through A0014 be sealed, stating they are private ballots not to be made available to the public; noting the Court shall review and give them proper consideration.

Counsel La Sota states though the exhibits were uploaded, there is no explanation of how ballots were counted, stating they can call Heidi Grande as a witness to explain the undervotes found for Mr. Hamadeh; states he has six (6) ballots he would like to present to the Court; and calls Heidi Grande as a witness who is duly sworn.

Counsel La Rue notes that there are media present and addresses concerns as to images being shared via Zoom video.

Counsel La Sota states they shall reference the ballot number to the witness during testimony so as to not share ballot images with the public.

Heidi Grande testifies to the Court.

Discussion ensues regarding exhibit numbers.

Heidi Grande continues to testify to the Court, and is excused.

Counsel La Sota rests his presentation of evidence.

Counsel Craiger calls Scott Jerrett, Co-Elections Director, as a witness, who is duly sworn and begins to testify to the Court.

Counsel Craiger moves for the admission of Exhibit B0016. Counsel La Sota states he does not object.

IT IS ORDERED admitting Exhibit B0016 into evidence.

Scott Jerrett, Co-Elections Director, continues to testify to the Court.

Counsel Craiger moves for the admission of Exhibit B0015. Counsel La Sota states he does not object.

IT IS ORDERED admitting Exhibit B0015 into evidence.

Scott Jerrett, Co-Elections Director, continues to testify to the Court.

Counsel Craiger moves for the admission of Exhibit C0001. Counsel La Sota states he does not object.

IT IS ORDERED admitting Exhibit C0001 into evidence.

Scott Jerrett, Co-Elections Director, continues to testify to the Court and is excused.

Counsel Craiger rests their presentation of evidence.

Discussion ensues regarding the remainder of this hearing.

The Court stands in recess at 11:16 a.m.

The Court reconvenes at 11:30 a.m.; all parties mentioned heretofore are present.

The Court finds that all parties have rested their presentation of evidence at this time.

Counsel La Sota, Counsel Barr, Counsel La Rue, Counsel Gaona and Counsel Jurkowitz present closing arguments.

Counsel La Sota provides rebuttal closing argument to the Court.

The Court states its findings for the record; specifically finding that this Petition is unsuccessful.

IT IS ORDERED granting in favor of the Defendants.

IT IS ORDERED denying the Petition to change the results of the election or count any additional votes.

The Court notes it shall not order the election be recounted, nor any ballots be recounted, based on the evidence presented in this Court.

The Court recesses at 12:10 p.m.

cc:

TIMOTHY A LA SOTA, PLC *

Timothy A La Sota

Attorney for the Plaintiffs

DHILLON LAW GROUP, INC. *

David A. Warrington

Gary Lawkowski

Pro Hac Vice / Attorney for Plaintiffs

COPPERSMITH BROCKELMAN PLC *

D. Andrew Gaona
Attorney for Defendant/Secretary of State Katie Hobbs

STATES UNITED DEMOCRACY CENTER *

Sambo (Bo) Dul
Attorney for Defendant/Secretary of State Katie Hobbs

PERKINS COIE, LLP *

Dan C. Barr
Alexis Danneman
Austin Yost
Samantha J Burke
Attorneys for Kris Mayes

MARICOPA COUNTY ATTORNEY'S OFFICE *

Joseph La Rue
Karen Hartman-Tellez
Joe Branco
Attorneys for Maricopa County

THE BURGESS LAW GROUP *

Emily Craiger
Attorney for Maricopa County

APACHE COUNTY ATTORNEY'S OFFICE *

Celeste Robertson
Joseph Young
Attorneys for Defendants Larry Noble, Apache County
Recorder, and Apache County Board of Supervisors

COCHISE COUNTY ATTORNEY'S OFFICE *

Christine J. Roberts
Paul Correa
Attorneys for Defendants David W. Stevens, Cochise County
Recorder, and Cochise County Board of Supervisors

COCONINO COUNTY ATTORNEY'S OFFICE *

Bill Ring
Attorney for Defendants Patty Hansen, Coconino County
Recorder, and Coconino County Board of Supervisors

GILA COUNTY ATTORNEY'S OFFICE *

Jeff Dalton

Attorney for Defendants Sadie Jo Bingham, Gila County Recorder, and Gila County Board of Supervisors

GRAHAM COUNTY ATTORNEY'S OFFICE *

Jean Roof

Attorney for Graham County Recorder and Board of Supervisors

GREENLEE COUNTY ATTORNEY'S OFFICE *

Scott Adams

Attorney for Defendants Sharie Milherio, Greenlee County Recorder and Greenlee County Board of Supervisors

LA PAZ COUNTY ATTORNEY'S OFFICE *

Ryan N. Dooley

Attorney for Defendants Richard Garcia, La Paz County Recorder, and La Paz County Board of Supervisors

MOHAVE COUNTY ATTORNEY'S OFFICE *

Ryan Esplin

Attorney for Defendants Kristi Blair, Mohave County Recorder, and Mohave County Board of Supervisors

NAVAJO COUNTY ATTORNEY'S OFFICE *

Jason S. Moore

Attorney for Defendants Michael Sample, Navajo County Recorder, and Navajo County Board of Supervisors

PIMA COUNTY ATTORNEY'S OFFICE *

Daniel Jurkowitz

Ellen Brown

Javier Gherna

Attorney for Defendants Gabriella Cazares-Kelly, Pima County Recorder, and Pima County Board of Supervisors

PINAL COUNTY ATTORNEY'S OFFICE *

Craig Cameron

Scott Johnson

Allen Quist

Jim Mitchell

Attorney for Pinal County Recorder

SANTA CRUZ COUNTY ATTORNEY'S OFFICE *

Kimberly Hunley

William Moran

Attorneys for Defendants Suzanne Sainz, Santa Cruz County

Recorder and Santa Cruz County Board of Supervisors

YAVAPAI COUNTY ATTORNEY'S OFFICE *

Colleen Conner

Thomas Stoxen

Attorneys for Yavapai County Recorder

YUMA COUNTY ATTORNEY'S OFFICE *

Bill Kerekes

Attorney for Yuma County Recorder

HONORABLE LEE F. JANTZEN *

Division IV