

1 Paul F. Eckstein (#001822)
Alexis E. Danneman (#030478)
2 Matthew R. Koerner (# 035018)
Margo R. Casselman (#034963)
3 Samantha J. Burke (#036064)
PERKINS COIE LLP
4 2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
5 Telephone: +1.602.351.8000
PEckstein@perkinscoie.com
6 ADanneman@perkinscoie.com
MKoerner@perkinscoie.com
7 MCasselman@perkinscoie.com
SBurke@perkinscoie.com
8 DocketPHX@perkinscoie.com

9 *Attorneys for Defendant/Contestee Kris Mayes*

10 SUPERIOR COURT OF ARIZONA

11 MOHAVE COUNTY

12 JEANNE KENTCH, et al.,

13 Plaintiffs/Contestants,

14 v.

15 KRIS MAYES,

16 Defendant/Contestee,

17 and

18 ADRIAN FONTES, et al.,

19 Defendants.
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23
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No. S8015CV202201468

**RESPONSE TO MOTION FOR LEAVE
TO FILE BRIEF AS AMICI CURIAE**

(Assigned to the Hon. Lee F. Jantzen)

1 Defendant Kris Mayes respectfully opposes the Motion of two members of the legislature
2 who seek to submit an amicus curiae brief supporting Plaintiffs’ request for a new trial and
3 opposing Defendants’ request for attorneys’ fees. The Court should deny amici’s Motion.

4 As amici acknowledge (Mot. at 1), no rule authorizes their filing of an amicus brief in
5 this Court. Generally, though, courts welcome one “when the amicus has unique information or
6 perspective.” *In re Halo Wireless, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012) (quoting *Ryan v.*
7 *CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997)). But this is not that. In claiming to “take no position”
8 on the ultimate merits (of a lawsuit that is nearly identical to one that amici’s counsel drafted
9 and filed in another case for Mr. Hamadeh (*see* Mot. at 2 n.1)), amici and their counsel refer to
10 Ms. Mayes’s arguments as “[f]rantic,” “oblivious,” “circular,” “logically discordant,” “unseemly
11 and inappropriate,” “contrive[d],” an “evidentiary paradigm,” an “opportunistic oscillation of
12 mutually inconsistent arguments,” “a noxious admixture of political vengeance,” and, ultimately,
13 “a barrage of indignant fulminations and obstructive machinations.” [Mot., Ex. A, at 2–6, 8]

14 Though unique in invective, the proposed amicus brief does not provide any “unique
15 information or perspective” on the merits. *In re Halo Wireless*, 684 F.3d at 596. The proposed
16 brief makes arguments that Plaintiffs already made in their Response to the Motion for
17 Attorneys’ Fees, including (Ex. A at 9) that this speculative exercise was just “a textbook
18 example of a proper election contest” (it wasn’t). It also makes arguments that Plaintiffs surely
19 will make in their (forthcoming) reply in support of their Motion for a New Trial, including (Ex.
20 A at 5–6) that the strict timelines in this election contest—and the requirement that the Court
21 enter judgment “immediately”—do not prohibit a new trial before this Court (they do).

22 In the end, two legislators’ political opinions on a new trial and a sanctions motion are
23 neither unique nor helpful. *See* Ariz. R. Civ. App. P. 16(b)(1)(C)(iii) (welcoming amici who
24 “provide information, perspective, or argument that can help the appellate court beyond the help

1 that the parties' lawyers provide"). And this Court should not allow amici to duplicate those
2 arguments to, essentially, give Plaintiffs additional pages of briefing. *See In re Halo Wireless*,
3 684 F.3d at 596 ("striking" a governmental entity's amicus brief because it "contain[ed] no
4 information or arguments that the [relevant party] did not already provide to the Court").

5 No reason exists for granting the motion to admit this amicus brief. Rather, all that
6 remains is to address the outstanding motions and to enter judgment "immediately," as A.R.S.
7 § 16-676(B) requires.

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9 Dated: February 2, 2023.

PERKINS COIE LLP

10 By: /s/ Alexis E. Danneman

11 Paul F. Eckstein
12 Alexis E. Danneman
13 Matthew R. Koerner
14 Margo R. Casselman
15 Samantha J. Burke
16 2901 North Central Avenue, Suite 2000
17 Phoenix, Arizona 85012-2788

18 *Attorneys for Defendant Kris Mayes*
19
20
21
22
23
24

1 Original of the foregoing e-filed with the Mohave
2 County Superior Court and served on the
3 following parties at AZTurbocourt.gov this 2nd
4 day of February, 2023:

4 Honorable Lee F. Jantzen
5 Mohave County Superior Court c/o
6 Danielle Lecher
7 division4@mohavecourts.com

7 David A. Warrington
8 Gary Lawkowski
9 DHILLON LAW GROUP, INC.
10 2121 E. Eisenhower Ave., Ste. 608
11 Alexandria, VA 22314
12 DWarrington@dhillonlaw.com
13 GLawkowski@dhillonlaw.com

11 Timothy A. La Sota
12 TIMOTHY A. LA SOTA, PLC
13 21 E. Camelback Rd., Ste. 305
14 Phoenix, AZ 85016
15 tim@timlasota.com

14 Alexander Kolodin (030826)
15 Veronica Lucero (030292)
16 Arno Naeckel (026158)
17 James C. Sabalos (pro hac vice)
18 DAVILLIER LAW GROUP, LLC
19 4105 North 20th Street, Suite 110
20 Phoenix, AZ 85016
21 akolodin@davillierlawgroup.com
22 vlucero@davillierlawgroup.com
23 anaeckel@davillierlawgroup.com
24 jsabalos@davillierlawgroup.com
phxadmin@davillierlawgroup.com

21 Jennifer J. Wright
22 JENNIFER WRIGHT ESQ., PLC
23 4350 E. Indian School Road Ste #21-105
24 Phoenix, AZ 85018
jen@jenwesq.com

1 Sigal Chattah Esq. (pro hac vice pending)
CHATTAH LAW GROUP
2 5875 S. Rainbow Blvd #204
Las Vegas, Nevada 89118
3 Chattahlaw@gmail.com

4 Dennis I. Wilenchik
John D. "Jack" Wilenchik
5 WILENCHIK & BARTNESS, P.C.
The Wilenchik & Bartness Building
6 2810 North Third Street
Phoenix, AZ 85004
7 admin@wb-law.com

8 *Attorneys for Plaintiffs/Contestant Abraham*
Hamadeh

9 D. Andrew Goana
10 Coppersmith Brockelman Plc
2800 N. Central Ave., Ste. 1900
11 Phoenix, AZ, 85004
agaona@cblawyers.com

12 Maithreyi Ratakondan (pro hac vice pending)
13 STATES UNITED DEMOCRACY CENTER
1 Liberty Plaza
14 165 Broadway, 23rd Floor, Office 2330
New York, NY 10006
15 mai@statesuniteddemocracy.org

16 *Attorneys for Defendant Arizona Secretary*
of State Adrian Fontes

17 Thomas P. Liddy
18 Joseph La Rue
19 Joe Branco
Karen Hartman-Tellez
20 Jack L. O'Connor III
Sean M. Moore
21 Rosa Aguilar
Maricopa County Attorney's Office
22 225 West Madison St.
Phoenix, AZ 85003
23 liddy@mcao.maricopa.gov
laruej@mcao.maricopa.gov
24 brancoj@mcao.maricopa.gov
hartmank@mcao.maricopa.gov

1 oconnorj@mcao.maricopa.gov
moores@mcao.maricopa.gov
2 raguilar@mcao.maricopa.gov
c-civilmailbox@mcao.maricopa.gov

3 Emily Craiger
4 THE BURGESS LAW GROUP
3131 East Camelback Road, Suite 224
5 Phoenix, AZ 85016
emily@theburgesslawgroup.com

6 *Attorneys for Maricopa County*

7 Celeste Robertson
8 Joseph Young
Apache County Attorney's Office
9 245 West 1st South
St. Johns, AZ 85936
10 crobertson@apachelaw.net
jyoung@apachelaw.net

11 *Attorneys for Defendants Larry Noble, Apache*
12 *County Recorder, and Apache County Board of*
Supervisors

13 Christine J. Roberts
14 Paul Correa
Cochise County Attorney's Office
15 P.O. Drawer CA
Bisbee, AZ 85603
16 croberts@cochise.az.gov
pcorrea@cochise.az.gov

17 *Attorneys for Defendants David W. Stevens,*
18 *Cochise County Recorder, and Cochise County*
Board of Supervisors

19 Bill Ring
20 Mark D. Byrnes
Coconino County Attorney's Office
21 110 East Cherry Avenue
Flagstaff, AZ 86001
22 wring@coconino.az.gov
mbyrnes@coconino.az.gov

23 *Attorney for Defendants Patty Hansen, Coconino*
24 *County Recorder, and Coconino County Board of*

1 *Supervisors*

2 Jeff Dalton
3 Gila County Attorney's Office
4 1400 East Ash Street
5 Globe, AZ 85501
6 jdalton@gilacountyaz.gov
7 *Attorney for Defendants Sadie Jo Bingham, Gila*
8 *County Recorder, and Gila County Board of*
9 *Supervisors*

10 Jean Roof
11 Graham County Attorney's Office
12 800 West Main Street
13 Safford, AZ 85546
14 jroof@graham.az.gov

15 *Attorneys for Defendants Wendy John, Graham*
16 *County Recorder, and Graham County Board of*
17 *Supervisors*

18 Rob Gilliland
19 Greenlee County Attorney's Office
20 P.O. Box 1717
21 Clifton, AZ 85533
22 rgilliland@greenlee.az.gov
23 *Attorney for Defendants Sharie Milheiro,*
24 *Greenlee County Recorder, and Greenlee County*
Board of Supervisors

16 Ryan N. Dooley
17 La Paz County Attorney's Office
18 1320 Kofa Avenue
19 Parker, AZ 85344
20 rdooley@lapazcountyaz.org
21 *Attorney for Defendants Richard Garcia, La Paz*
22 *County Recorder, and La Paz County Board of*
23 *Supervisors*

24 Ryan Esplin
Mohave County Attorney's Office Civil Division
P.O. Box 7000
Kingman, AZ 86402-7000
EspliR@mohave.gov

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

1 Jason Moore
Navajo County Attorney's Office
2 P.O. Box 668
Holbrook, AZ 86025-0668
3 jason.moore@navajocountyaz.gov

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

6 Daniel Jurkowitz
Ellen Brown
7 Javier Gherna
Pima County Attorney's Office
8 32 N. Stone #2100
Tucson, AZ 85701
9 Daniel.Jurkowitz@pcao.pima.gov
Ellen.Brown@pcao.pima.gov
10 Javier.Gherna@pcao.pima.gov

11 *Attorney for Defendants Gabriella Cázares-*
Kelley, Pima County Recorder, and Pima County
12 *Board of Supervisors*

13 Craig Cameron
Scott Johnson
14 Allen Quist
Jim Mitchell
Pinal County Attorney's Office
15 30 North Florence Street
Florence, AZ 85132
16 craig.cameron@pinal.gov
scott.m.johnson@pinal.gov
17 allen.quist@pinal.gov
james.mitchell@pinal.gov
18

19 *Attorneys for Defendants Dana Lewis, Pinal*
County Recorder, and Pinal County Board of
20 *Supervisors*

21 Kimberly Hunley
Laura Roubicek
22 Santa Cruz County Attorney's Office
2150 North Congress Drive, Suite 201
23 Nogales, AZ 85621-1090
khunley@santacruzcountyaz.gov
24 lroubicek@santacruzcountyaz.gov

1 *Attorneys for Defendants Suzanne Sainz, Santa*
2 *Cruz County Recorder, and Santa Cruz County*
3 *Board of Supervisors*

3 Colleen Connor
Thomas Stoxen
4 Yavapai County Attorney's Office
255 East Gurley Street, 3rd Floor
5 Prescott, AZ 86301
Colleen.Connor@yavapaiaz.gov
6 Thomas.Stoxen@yavapaiaz.gov

7 *Attorney for Defendants Michelle M. Burchill,*
8 *Yavapai County Recorder, and Yavapai County*
9 *Board of Supervisors*

9 Bill Kerekes
Yuma County Attorney's Office
10 198 South Main Street
Yuma, AZ 85364
11 bill.kerekes@yumacountyaz.gov

12 *Attorney for Defendants Richard Colwell, Yuma*
13 *County Recorder, and Yuma County Board of*
14 *Supervisors*

14 Kory Langhofer
Thomas Basile
15 STATECRAFT LAW
649 N. Fourth Avenue, First Floor
16 Phoenix, Arizona 85003
kory@statecraftlaw.com
17 tom@statecraftlaw.com

18 *Attorneys for Amici Curiae*

19 /s/ Indy Fitzgerald
20
21
22
23
24