

11-8-2022 8:17pm

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-014827

11/08/2022

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
L. Gilbert
Deputy

REPUBLICAN NATIONAL COMMITEE, et
al.

BRETT W JOHNSON

v.

STEPHEN RICHER, et al.

STEPHEN RICHER
111 S THIRD AVE
PHOENIX AZ 85003

THOMAS J. BASILE
DALLIN HOLT
2575 E CAMELBACK RD STE 860
PHOENIX AZ 85016
DANIEL ARELLANO
THOMAS PURCELL LIDDY
TIMOTHY A LASOTA
JILL NORGAARD
NO ADDRESS ON RECORD
COURT ADMIN-CIVIL-ARB DESK
DOCKET CV TX
JUDGE RYAN

MINUTE ENTRY

East Court Building – Courtroom 814

6:30 p.m. This is the time set for a hearing on Plaintiffs' Application for Temporary Restraining Order and/or Injunction to Extend Operating Hours of All Vote Centers in Maricopa County. Plaintiffs Republican National Committee and National Republican Senatorial Committee are represented by counsel, Brett W. Johnson and Eric H. Spencer. Plaintiff Kari

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Lake for Arizona is represented by counsel, Timothy A. La Sota. Plaintiff Blake Masters for Senate is represented by counsel, Kory Langhofer and Thomas J. Basile. Defendant Stephen Richer, in his official capacity as the Maricopa County Recorder, and Jack Sellers, Thomas Galvin, Bill Gates, Clint Hickman, and Steven Gallardo, in their respective official capacities as members of the Maricopa County Board of Supervisors ("Maricopa County Defendants") are represented by counsel, Thomas P. Liddy, Joseph J. Branco, Karen Hartman-Tellez, Rosa Aguilar, George Liddy, and Joseph LaRue (appearing virtually). Kelly for Senate is represented by counsel, Daniel A. Arellano and Roy Herrera.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court advises the parties that it has received and reviewed Kelly for Senate's Motion to Intervene.

Good cause appearing,

IT IS ORDERED granting the Intervenor's Motion, all in accordance with the formal written Order signed by the Court on November 8, 2022 and filed (entered) by the Clerk on November 8, 2022.

Discussion is held and argument is presented.

Maricopa County Defendants make an oral motion to dismiss Stephen Richer.

IT IS ORDERED granting Defendants' motion and dismissing Defendant Stephen Richer.

As to the statute that applies to the operating hours during elections,

THE COURT FINDS that the Arizona Legislature has determined that there is a benefit of having a statutorily mandated presumptive closing time of 7:00 p.m. The Court does not have any evidence to the contrary that there were 223 voting centers open and that no one that showed up between the hours of 6:00 a.m. and 7:00 p.m. have been precluded from turning in a ballot, whether it is an actual ballot or provisional ballot.

The declarations, from the Court's perspective, do show that although there might have been some difficulties, that all of the individuals in the declarations filed either a provisional ballot or a direct ballot. From what was presented, the Court does not have any evidence that there was a voter who was precluded the right to vote. There was an opportunity and is an opportunity until 7:00 p.m. for every Arizonan to get in line and to vote.

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While the Court was thinking there was some impossibility of performance, the Court wonders why the filing was filed at the time it was when the issue, according to the declarations and other information, was known in the morning.

THE COURT FINDS that the doctrine of *laches* applies and the relief requested is something that would be impossible to perform as there would be no way to effectuate an order at this time.

IT IS ORDERED denying Plaintiffs' Application for Temporary Restraining Order and/or Injunction.

IT IS FURTHER ORDERED setting a **Status Conference** on **November 16, 2022 at 9:00 a.m. (time allotted: 1 hour)** in this division.

The hearing(s) will be held by phone/video conference via the Court Connect platform. Please join my meeting from your computer, tablet or smartphone.

[Click here to join the meeting](#)

www.tinyurl.com/jbazmc-cvj10

You can also dial in using your phone (audio only)
+1 (917) 781-4590
Phone Conference ID: 803 526 856#

More information regarding Court Connect can be found at:
<https://superiorcourt.maricopa.gov/court-connect/>

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's courtroom assistant, Adrian Bueno at (602) 372-3082.

6:59 p.m. Matter concludes.