

1 D. Andrew Gaona (028414)  
2 **COPPERSMITH BROCKELMAN PLC**  
3 2800 North Central Avenue, Suite 1900  
4 Phoenix, Arizona 85004  
5 T: (602) 381-5486  
6 agaona@cblawyers.com

7 Sambo (Bo) Dul (030313)  
8 **STATES UNITED DEMOCRACY CENTER**  
9 8205 South Priest Drive, #10312  
10 Tempe, Arizona 85284  
11 T: (480) 253-9651  
12 [bo@statesuniteddemocracy.org](mailto:bo@statesuniteddemocracy.org)

13 *Attorneys for Defendant*  
14 *Arizona Secretary of State Katie Hobbs*

15 **ARIZONA SUPERIOR COURT**  
16 **MARICOPA COUNTY**

|   |   |                                   |
|---|---|-----------------------------------|
| 17 KARI LAKE,                                   | ) | No. CV2022-095403                 |
|   | ) |                                   |
| 18 Contestant/Plaintiff,                        | ) | <b>ARIZONA SECRETARY OF</b>       |
|   | ) | <b>STATE KATIE HOBBS'</b>         |
| 19 v.   | ) | <b>EMERGENCY MOTION FOR</b>       |
|   | ) | <b>RECONSIDERATION OF ORDER</b>   |
| 20 KATIE HOBBS, personally as Contestee and     | ) | <b>DENYING MOTION TO QUASH</b>    |
| 21 in her official capacity as the Secretary of | ) |                                   |
| 22 State; et al.,                               | ) |                                   |
|   | ) |                                   |
| 23 Defendants.                                  | ) | (Assigned to Hon. Peter Thompson) |
|   | ) |                                   |

24 Defendant Katie Hobbs, in her official capacity as Arizona's Secretary of State  
25 ("Secretary"), respectfully requests that the Court reconsider its December 19, 2022 order  
26 denying her Motion to Quash Subpoena for Appearance at Hearing ("Subpoena Order").

27 In denying the Secretary's Motion, the Court noted that "given the nature of the case –  
28 where the questions of fact range from technical minutiae to broader issues of election manual  
29 interpretation – the Court cannot say that . . . the testimony is 'completely irrelevant or  
30 marginally relevant.'" [Subpoena Order at 3] The Court further noted that the Subpoena seeks

1 “discovery concerning an activity wholly within her wheelhouse: the conduct of elections.” But  
2 in an order issued at the same time dismissing 8 of the 10 counts in Plaintiff’s complaint (“MTD  
3 Order”) and narrowing the scope of the two remaining counts that will proceed to trial, the Court  
4 effectively answered its own question. Good cause exist for the Court to reconsider the Subpoena  
5 Order, and to quash the Subpoena.

6 Under the MTD order, only two narrow issues will proceed to trial:

- 7 • Count II, to the extent that Plaintiff alleges that “a person employed by Maricopa County  
8 interfered with BOD printers in violation of Arizona law, resulting in some number of  
9 lost votes for Plaintiff,” meaning “Plaintiff is entitled to attempt to prove at trial that 1)  
10 the malfeasant person was a covered person under (A)(1); 2) the printer malfunctions  
11 caused by this individual directly resulted in identifiable lost votes for Plaintiff; and 3)  
12 that these votes would have affected the outcome of the election” [MTD Order at 6]; and
- 13 • Count IV, to the that extent that Plaintiff can attempt to prove “1) the ability of employees  
14 of the county’s ballot contractor to add ballots of family members and 2) the lack of an  
15 Inbound Receipt of Delivery form both constitute misconduct” [*id.* at 8].

16 Neither of these claims have anything whatsoever to do with the Secretary, any of her or her  
17 Office’s duties or responsibilities, or any personal knowledge she may have. What’s left of Count  
18 II involves specific allegations that “a person employed by Maricopa County” engaged in certain  
19 “intentional misconduct” that affected election day operations in Maricopa County. But the  
20 Secretary has nothing to do with Maricopa County’s election day operations; that is a  
21 responsibility of Maricopa County. And what’s left of Count IV is no different, as what’s left  
22 deals with specific issues related to the “county’s ballot contractor” and the alleged “lack of an  
23 Inbound Receipt of Delivery” – a county form. The Secretary has nothing to do with the  
24 operations of the “county’s ballot contractor,” and certainly has no role in keeping or maintaining  
25 “Inbound Receipt[s] of Delivery” on election day in Maricopa County.



1 Kurt Olsen  
Olsen Law, P.C.  
2 1250 Connecticut Ave., NW, Suite 700  
Washington, DC 20036  
3 [ko@olsenlawpc.com](mailto:ko@olsenlawpc.com)

4 *Attorneys for Contestants/Plaintiffs*

5 Daniel C. Barr  
Alexis E. Danneman  
6 Austin Yost  
Samantha J. Burke  
7 Perkins Coie LLP  
8 2901 North Central Avenue  
Suite 2000  
9 Phoenix, AZ 85012  
[dbarr@perkinscoie.com](mailto:dbarr@perkinscoie.com)  
10 [adanneman@perkinscoie.com](mailto:adanneman@perkinscoie.com)  
[ayost@perkinscoie.com](mailto:ayost@perkinscoie.com)  
11 [sburke@perkinscoie.com](mailto:sburke@perkinscoie.com)

*Attorneys for Defendant/Contestee Katie Hobbs*

12 Abha Khanna\*  
13 [akhanna@elias.law](mailto:akhanna@elias.law)  
Elias Law Group, LLP  
14 1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101

15 Lalitha D. Madduri\*  
16 [lmadduri@elias.law](mailto:lmadduri@elias.law)

Christina Ford\*  
17 [cford@elias.law](mailto:cford@elias.law)

Elena Rodriguez Armenta\*  
18 [erodriguezarmenta@elias.law](mailto:erodriguezarmenta@elias.law)

ELIAS LAW GROUP LLP  
19 10 G St. NE, Suite 600  
Washington, D.C. 20002

20 *\*Pro Hac Vice Application Pending*  
*Attorneys for Defendant/Contestee Katie Hobbs*

21 Thomas P. Liddy  
22 Joseph La Rue  
Joseph Branco  
23 Karen Hartman-Tellez  
Jack L.O'Connor  
24 Sean M. Moore  
Rosa Aguilar  
25 Maricopa County Attorney's Office  
225 West Madison St.  
26 Phoenix, AZ 85003

1 [liddy@mcao.maricopa.gov](mailto:liddy@mcao.maricopa.gov)  
2 [laruej@mcao.maricopa.gov](mailto:laruej@mcao.maricopa.gov)  
3 [brancoj@mcao.maricopa.gov](mailto:brancoj@mcao.maricopa.gov)  
4 [hartmank@mcao.maricopa.gov](mailto:hartmank@mcao.maricopa.gov)  
5 [oconnorj@mcao.maricopa.gov](mailto:oconnorj@mcao.maricopa.gov)  
6 [moores@mcao.maricopa.gov](mailto:moores@mcao.maricopa.gov)  
7 [aguilarr@mcao.maricopa.gov](mailto:aguilarr@mcao.maricopa.gov)

8 Emily Craiger  
9 The Burgess Law Group  
10 3131 East Camelback Road, Suite 224  
11 Phoenix, Arizona 85016  
12 [emily@theburgesslawgroup.com](mailto:emily@theburgesslawgroup.com)

13 *Attorneys for Maricopa County Defendants*

14 /s/ Shelly L. Mondavi