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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)	
19 Contestant/Plaintiff,	)	ARIZONA SECRETARY OF
20	)	STATE KATIE HOBBS'
21 v.	)	APPLICATION FOR ATTORNEYS'
22 KATIE HOBBS, personally as Contestee and	)	FEES AND EXPENSES
23 in her official capacity as the Secretary of)	
24 State; et al.,	)	(Assigned to Hon. Peter Thompson)
25)	
26 Defendants.)	

27 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
28 (“Secretary”), moves that the Court award her \$36,990.00 in attorneys’ fees and expenses as a
29 sanction under A.R.S. § 12-349, in accordance with the Secretary’s Joinder in the Maricopa
30 County Defendants’ Motion for Sanctions.¹ This Application is supported by the Declaration of
31 D. Andrew Gaona, attached hereto as **Exhibit A**.

32 ¹ If, as the Maricopa County Defendants request, the Court chooses to instead enter a judgment
33 under Rule 54(b), Ariz. R. Civ. P., and allows the parties more time to seek their fees and costs,
34 the Secretary reserves the right to supplement this Application and submit a statement of costs.

1 **Argument**

2 “Once a party establishes entitlement to fees and meets the minimum requirements in an
3 application and affidavit, . . . the burden shifts to the party opposing the fee award to demonstrate
4 the impropriety or unreasonableness of the requested fees.” *Assyia v. State Farm Mut. Auto. Ins.*
5 *Co.*, 229 Ariz. 216, 223 ¶ 29 (App. 2012). Arizona courts generally follow the lodestar method
6 for determining the reasonableness of a requested award of attorneys’ fees. *See Schweiger v.*
7 *China Doll Rest., Inc.*, 138 Ariz. 183, 187-89 (App. 1983) (holding that reasonable attorneys’
8 fees are calculated by multiplying a reasonable hourly rate by the number of hours reasonably
9 expended). In determining the reasonableness of the actual billing rates and number of hours
10 expended, the Court must consider:

- 11 (1) the qualities of the advocate: his ability, training, education, experience,
12 professional standing and skill;
- 13 (2) the character of the work to be done: its difficulty, its intricacy, its importance,
14 time and skill required, the responsibility imposed and the prominence and
15 character of the parties where they affect the importance of the litigation;
- 16 (3) the work actually performed by the lawyer: the skill, time and attention given to
the work;
- (4) the result: whether the attorney was successful and what benefits were derived.

17 *Id.* at 187 (quoting *Schwartz v. Schwerin*, 85 Ariz. 242 (1959)).

18 This Application seeks a total fee and expense award of \$36,990.00 for the work
19 performed by Coppersmith Brockelman PLC (“CB”).² As demonstrated below, the
20 reasonableness of the requested fees is underscored by application of the *China Doll* factors.

21 **A. Quality of the Advocates.**

22 To defend against Plaintiff’s Complaint, the Secretary retained experienced counsel with
23 significant election law and litigation experience. Specifically, the Secretary turned to D.

24 _____
25 ² As noted above [n.1], the Secretary reserves the right to seek fees for the work of other attorneys
26 who also worked on this matter if this Court delays consideration of the actual amount of fee
awards or enters a judgment under Rule 54(b), Ariz. R. Civ. P.

1 Andrew Gaona, a partner with CB with twelve years of experience, and who is one of Arizona's
2 leading election lawyers.³

3 **B. Character of the Work.**

4 This was an expedited election proceeding that required extensive work by counsel in a
5 very short period. This included drafting a Motion to Dismiss, preparing for the evidentiary
6 hearing, and participating in the two-day evidentiary hearing. Under the circumstances, the
7 nature and character of the work performed was reasonable.

8 **C. The Work Actually Performed.**

9 In accordance with *China Doll*, the declaration of counsel [**Exhibit A**] and accompanying
10 time entries [**Exhibit B**] detail “the type of legal services provided, the date the service was
11 provided, the attorney providing the service . . . and the time spent in providing the service.” *Id.*
12 at 188. This information, which is incorporated herein by reference, demonstrates that the work
13 was performed in connection with this matter.

14 **D. The Results Achieved.**

15 As a result of the efforts of the Secretary's counsel and the other Defendants, the Court
16 denied Plaintiff's remarkable request for relief in its entirety. Accordingly, the Secretary
17 prevailed, and achieved a total victory in this litigation.

18 **Conclusion**

19 For the foregoing reasons, the Secretary respectfully requests that the Court award her
20 \$36,990.00 in reasonable attorneys' fees and “expenses” incurred in this action.

21 RESPECTFULLY SUBMITTED this 26th day of December, 2022.

22 **COPPERSMITH BROCKELMAN PLC**

23 By /s/ D. Andrew Gaona

24 D. Andrew Gaona

25 _____
26 ³ Malvika Sinha, a CB associate, also provided some services in this matter.

1 **STATES UNITED DEMOCRACY CENTER**

2 Sambo (Bo) Dul

3 *Attorneys for Defendant Arizona Secretary of State*
4 *Katie Hobbs*

5 ORIGINAL efiled and served via electronic
6 means this 26th day of December, 2022, upon:

7 Honorable Peter Thompson
8 Maricopa County Superior Court
9 c/o Sarah Umphress
10 sarah.umphress@jbazmc.maricopa.gov

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10 *Attorneys for Maricopa County Defendants*

11 /s/ Diana Hanson

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Exhibit A

1 D. Andrew Gaona (028414)
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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)	
19 Contestant/Plaintiff,	)	DECLARATION OF D. ANDREW
20	)	GAONA IN SUPPORT OF
21 v.	)	APPLICATION FOR FEES AND
22	)	EXPENSES
23 KATIE HOBBS, personally as Contestee and)	
24 in her official capacity as the Secretary of)	
25 State; et al.,	)	(Assigned to Hon. Peter Thompson)
26)	
27 Defendants.)	

28 I, D. Andrew Gaona, hereby state that:

29 1. I am a partner in the law firm of Coppersmith Brockelman PLC (“CB”). I am lead
30 counsel for Secretary of State Katie Hobbs (“Secretary”) in the above-captioned matter and have
31 personal knowledge of the matters described herein.

32 2. This Declaration is submitted in support of the Secretary’s Application for
33 Attorneys’ Fees (“Application”) filed concurrently herewith.

34 3. I am aware of the fees charged by attorneys with similar experience and training

1 in this community, and the billing rates on this matter are at or below the rates charged by other
2 lawyers in this community with similar training and experience.

3 4. The Secretary seeks fees for 94.3 hours that CB worked in connection with this
4 matter. Those fees are attributable to my work as well as the work of Malvika Sinha, and total
5 \$31,090.00.

6 5. I have been admitted to practice in Arizona since 2011, and graduated *summa cum*
7 *laude* from the Sandra Day O'Connor College of Law at Arizona State University. Prior to
8 joining CB in 2015, I was a judicial clerk for then-Vice Chief Justice Andrew D. Hurwitz of the
9 Arizona Supreme Court and worked for 3.5 years at the Phoenix offices of Perkins Coie LLP.
10 My principal areas of practice are election and political law, appeals, and commercial litigation.
11 I have been recognized by Best Lawyers in America® in the Appellate Practice (2020 to present)
12 and Business Litigation (2022 to present), and also by Super Lawyers (Southwest) Rising Stars
13 in Business Litigation (2014 to present). I have substantial experience in bringing and defending
14 election challenges of all kinds, including election contests like this. My discounted hourly rate
15 for this matter is \$340.

16 6. Ms. Sinha is senior associate at CB who assisted me in this matter. Ms. Sinha
17 graduated in 2015 from UC Berkeley School of Law. Prior to joining CB in 2021, Ms. Sinha
18 was a judicial clerk for the Honorable David G. Campbell at the District of Arizona. She worked
19 for 2.5 years at the Los Angeles offices of O'Melveny & Myers LLP, and for 2 years at the Los
20 Angeles offices of Venable LLP. Ms. Sinha's principal area of practice is commercial litigation.
21 She has substantial experience representing a wide range of clients, including multiple Fortune
22 500 companies. Ms. Sinha is admitted to practice and in good standing in California. She passed
23 the Arizona bar in May 2022 and is presently pending admission. Per Ariz. R. Prof. Conduct 5.5,
24 she worked on this matter in close association with me and with my active participation. Ms.
25 Sinha's discounted hourly rate for this matter was \$300.

26 7. Attached as **Exhibit B** to the Secretary's Application is an itemized statement

1 containing a description of the attorney fees attributable in this matter to CB.

2 8. In addition to the fees attributable to the work of the attorneys in this matter, the
3 Secretary's counsel retained the services of expert witness Ryan Macias. Mr. Macias'
4 qualifications were discussed on the record and are also set forth in trial exhibit 17. Given the
5 time constraints required to comply with Court's order to file this Application, Mr. Macias has
6 not yet generated an invoice. Mr. Macias charged a total of \$2,400 for general consulting
7 regarding this matter and preparation for his testimony, in addition to \$3,500 to watch the
8 evidentiary hearing and testify (spending a total of 10 hours at an hourly rate of \$350). The
9 Secretary thus seeks \$5,900 as a component of attorneys' fees or "expenses" under A.R.S. § 12-
10 349 for the work of Mr. Macias.

11 9. The total attorneys' fees and expense award sought by the Secretary at this time is
12 \$36,990.00. I believe these fees and expenses are reasonable under the circumstances of this
13 case.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 RESPECTFULLY SUBMITTED this 26th day of December, 2022.

16 **COPPERSMITH BROCKELMAN PLC**

17 By /s/ D. Andrew Gaona
18 D. Andrew Gaona

19 *Attorneys for Defendant Arizona Secretary of State*
20 *Katie Hobbs*

Exhibit B

Exhibit B

Date	Timekeeper	Rate	Hours	Amount	Description
12/09/2022	DAG	340.00	1.0	340.00	Preliminary review of complaint; communicate with co-counsel regarding same
12/10/2022	MSI	300.00	7.6	2,280.00	Review Complaint and create summary of key factual and legal allegations for client
12/10/2022	DAG	340.00	1.4	476.00	Call with co-counsel regarding response to complaint; begin drafting same
12/12/2022	DAG	340.00	1.2	408.00	Calls regarding motion to dismiss strategy; review court order setting return hearing; confer with co-counsel regarding motion to dismiss issues
12/13/2022	DAG	340.00	3.0	1,020.00	Prepare for and participate in return hearing; call regarding motion to dismiss strategy; continue work on motion to dismiss
12/14/2022	DAG	340.00	3.9	1,326.00	Work on draft of motion to dismiss; various communications with client and co-counsel regarding same
12/15/2022	MSI	300.00	1.6	480.00	Legal research regarding motion to quash subpoena of high ranking government officials
12/15/2022	DAG	340.00	4.5	1,530.00	Conduct meet and confer regarding motion to dismiss; finalize and attend to filing of motion to dismiss; direct research subpoena issues; finalize and file response to request to inspect ballots
12/16/2022	DAG	340.00	3.2	1,088.00	Review court order regarding ballot inspection; strategize regarding copying/photography issue; calls with county attorneys regarding ballot inspector appointment issues; review various filings regarding ballot inspection issues; strategize regarding evidentiary hearing issues; direct research regarding motion to quash subpoena directed to the Secretary; emails to Plaintiff's counsel regarding meet and confer regarding same
12/16/2022	MSI	300.00	8.3	2,490.00	Draft and revise Motion to Quash
12/17/2022	DAG	340.00	7.3	2,482.00	Revise and attend to filing of motion to quash trial subpoena issued to the Secretary; analyze response to motion to dismiss; call with co-counsel to discuss same and coordinate drafting of reply; work on reply in support of motion to dismiss
12/18/2022	DAG	340.00	9.5	3,230.00	Work on, finalize, and attend to filing of reply in support of motion to dismiss; strategize regarding witness disclosure issues and draft witness testimony descriptions; prepare for oral argument on motion to dismiss
12/19/2022	DAG	340.00	7.0	2,380.00	Prepare for, travel to/from, and conduct oral argument on motion to dismiss; strategize regarding trial and exhibit issues; analyze court orders on MTD and motion to quash subpoenas; draft and attend to filing of emergency motion for reconsideration regarding motion to quash; various communications with co-counsel regarding trial strategy in light of motion to dismiss order
12/19/2022	MSI	300.00	6.8	2,040.00	Draft Reply brief in support of Motion to Quash
12/20/2022	DAG	340.00	6.5	2,210.00	Prepare for evidentiary hearing; various calls and communications regarding trial issues
12/21/2022	DAG	340.00	12.0	4,080.00	Prepare for, travel to/from, and participate in day one of evidentiary hearing; strategize regarding evidence for day two and related issues
12/22/2022	DAG	340.00	9.5	3,230.00	Prepare for, participate in, and travel to/from day two of evidentiary hearing
		TOTALS	94.3	\$31,090.00	