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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

22 KARI LAKE,  
23  
24 Contestant/Petitioner,

25 vs.

26 KATIE HOBBS, et al.,  
27  
28 Defendants.

No. CV2022-095403

**MARICOPA COUNTY DEFENDANTS'  
MOTION FOR SANCTIONS  
AND APPLICATION FOR  
ATTORNEYS' FEES**

(Expedited Election Matter)

(Honorable Peter Thompson)

1 Pursuant to Ariz. R. Civ. P. 7.1, A.R.S. §§ 12-349 and 16-671 to -678, and this  
2 Court’s December 24, 2022 Order, the Maricopa County Defendants move for an award of  
3 sanctions against Plaintiff-Contestant Kari Lake (“Plaintiff” or “Lake”) and her counsel.<sup>1</sup>  
4 This Motion is supported by the following Memorandum of Points and Authorities and  
5 Application for Attorneys’ Fees. For the Court’s convenience, a Proposed Order is  
6 submitted herewith.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Introduction

9 Before a single vote was counted in the 2022 general election, Kari Lake publicly  
10 stated that she would accept the results of the gubernatorial election only if she were the  
11 winning candidate. See [https://www.cnn.com/2022/10/16/politics/kari-lake-arizona-](https://www.cnn.com/2022/10/16/politics/kari-lake-arizona-election-katie-hobbs-cnntv/index.html)  
12 [election-katie-hobbs-cnntv/index.html](https://www.cnn.com/2022/10/16/politics/kari-lake-arizona-election-katie-hobbs-cnntv/index.html). When all the votes were counted and the result of  
13 the election certified, establishing that Ms. Lake had lost the election to Defendant-Contestee  
14 Katie Hobbs, Plaintiff stayed true to her promise. But she has not simply failed to publicly  
15 acknowledge the election results. Instead, she filed a groundless, seventy-page election  
16 contest lawsuit against the Governor-Elect, the Secretary of State, and Maricopa County and  
17 several of its elected officials and employees (but no other county or its employees), thereby  
18 dragging them and this Court into this frivolous pursuit. “Section 12-349 was enacted with  
19 the express purpose of reducing groundless lawsuits.” *Phoenix Newspapers, Inc. v. Dep’t of*  
20 *Corr., State of Ariz.*, 188 Ariz. 237, 244 (App. 1997). And this is surely such a lawsuit.

21 Ms. Lake’s and her counsel’s sustained attack on Arizona elections began well  
22 before this election contest, when she filed a lawsuit against most of the defendants here that  
23 relied, among other things, on an allegation that Arizona does not use paper ballots. See

24  
25 <sup>1</sup> Although the Maricopa County Defendants included a request for sanctions under Ariz.  
26 R. Civ. P. 11 in their Motion to Dismiss this action, because of the short time frames  
27 required by the election contest statutes and this Court’s Orders the Maricopa County  
28 Defendants have not had the opportunity to comply with all of the Rule 11 requirements  
regarding providing notice to Plaintiff and her counsel. As such, they seek sanctions only  
under A.R.S. § 12-349 even though Plaintiff and her counsel’s conduct would surely also  
support a sanctions award under Rule 11.

1 *Lake v. Hobbs*, No. CV-22-00677-PHX-JJT, --- F. Supp. 3d. ---, 2022 WL 17351715, at \*1  
2 (D. Ariz. Dec. 1, 2022) (“*Lake I*”) (noting that Plaintiffs asked “for the Court to Order, an  
3 election conducted by paper ballot, as an alternative to the current framework”). In this  
4 action, however, the bulk of her claims focused on complaints about those very paper ballots  
5 – how they were printed at vote centers on election day and how Maricopa County  
6 maintained the chain of custody for early ballots dropped off on election day. [*See, e.g.*,  
7 Compl. at ¶¶ 137-48, 157-62]

8 The district court sanctioned Mr. Olsen and Ms. Lake’s other counsel in *Lake I* for  
9 filing and perpetuating that lawsuit, but declined to sanction Ms. Lake. *Lake I*, at \*15  
10 (explaining that the court would decline to sanction either of the Plaintiffs, despite the fact  
11 that “the [c]ourt does not find that Plaintiffs have acted appropriately in this litigation” and  
12 sharing “concerns expressed by other federal courts about misuse of the judicial system to  
13 baselessly cast doubt on the electoral process in a manner that is conspicuously consistent  
14 with the plaintiffs’ political ends”). Instead of taking to heart the importance of bringing  
15 only claims that are justified by the law and facts, however, Plaintiff and her counsel doubled  
16 down with the present action. This Court should sanction both lawyers and client under  
17 A.R.S. § 12-349 to impart to them the seriousness of their misuse of the courts to seek to  
18 undermine Arizona elections and impugn hardworking elections workers and officials for  
19 purely political – not legal – purposes.

## 20 Factual and Procedural Background

### 21 **A. The Dismissed Claims**

22 Instead of filing a concise statement of grounds for relief under the election contest  
23 statutes, Plaintiff took a “throw everything at the wall and see what sticks” approach in this  
24 litigation. Doing so led to a ten-count Complaint that sought extensive relief that is not  
25 permitted by the election contest statutes. [*See generally* Compl.] Indeed, this Court granted  
26 in part the motions to dismiss filed by the Maricopa County Defendants and the other  
27 defendants, dismissing eight of the ten counts including those under the First and Fourteenth  
28 Amendment, as well as a separate, duplicative § 1983 claim. [*See Lake v. Hobbs*, No.

1 CV2022-095403, Under Advisement Ruling, at 2-4, 9-10, 12, Dec. 19, 2022 (“Order on  
2 MTD”) (dismissing Counts I, V, VI, and X)] The Court also dismissed on laches grounds  
3 claims or portions of claims that related to election procedures, which should have been  
4 brought months or years before the election. [*Id.* at 7-8, 10 (dismissing Counts III, and VII)]  
5 And the Court dismissed claims that sought relief that is not available within the narrow  
6 statutory confines of an election contest. [*Id.* at 10-12 (dismissing Counts VIII, IX, and X)]

7 **B. The Claims that Went to Trial**

8 Following this Court’s ruling on the Defendants’ Motions to Dismiss, this Court  
9 permitted two of Plaintiff’s ten claims, as narrowed by the December 19, 2022 Order, to  
10 proceed to trial. This Court gave Plaintiff a clear road map of what she must prove at trial:  
11 “Plaintiff must show at trial that the BOD printer malfunctions [and alleged failure to  
12 maintain chain of custody] were intentional, and directed to affect the results of the election,  
13 and that such actions did actually affect the outcome.” [Order on MTD, at 6-7] Yet Plaintiff  
14 failed to put on a single witness who could credibly testify that any Defendant or person  
15 under the control of the Defendants engaged in any misconduct that affected the outcome of  
16 the election. [*See Lake v. Hobbs*, No. CV2022-095403, Under Advisement Ruling, at 8,  
17 Dec. 19, 2022 (“Tr. Order”)] And among Plaintiff’s multiple thousands of pages of disclosed  
18 exhibits, there was not a single piece of evidence that such misconduct had occurred.  
19 Consequently, this Court found that Plaintiff had failed to prove even one of the four  
20 elements of her two remaining claims. [*Id.* at 9-10 (stating that “[t]he Court DOES NOT  
21 find clear and convincing evidence [a] of misconduct in violation of A.R.S. § 16-672(A)(1);  
22 [b] that such misconduct was committed by ‘an officer making or participating in a canvass’  
23 under A.R.S. § 16-672(A)(1); [c] that such misconduct was intended to affect the result of  
24 the 2022 General Election; [and] [d] that such misconduct did in fact affect the result of the  
25 2022 General Election”)]

26 Plaintiff and her attorneys knew—or, at least, they *should* have known—that they  
27 had no witness testimony or evidence that would allow them to meet the Court’s required  
28 showing, yet they refused to voluntarily dismiss this action. The ethical rules that attorneys

1 must follow require that “[a] lawyer shall not bring or defend a proceeding, or assert or  
2 controvert an issue therein, unless there is a good faith basis in law and fact for doing so that  
3 is not frivolous[.]” Arizona Rules of Professional Conduct, ER 3.1.<sup>2</sup> To avoid violating ER  
4 3.1, attorneys must undertake an investigation of the facts and evidence supporting a client’s  
5 case before bringing that case. They also must ascertain that the facts and evidence allow  
6 them to continue to make “good faith and nonfrivolous” arguments in favor of their client’s  
7 position as the case develops. ER 3.1, Comment 2.<sup>3</sup> “What is required of lawyers . . . is that  
8 they inform themselves about the facts of their clients’ cases and the applicable law and  
9 determine that they can make good faith and nonfrivolous arguments in support of their  
10 clients’ positions.” *Id.* The action is frivolous “if the lawyer is unable either to make a  
11 nonfrivolous argument on the merits of the action taken or a good faith and nonfrivolous  
12 argument for an extension, modification or reversal of existing law.” *Id.* Leslie Levin, a  
13 professor at the University of Connecticut School of Law who is an expert concerning legal  
14 ethics, has opined that “[l]awyers have to make a reasonable inquiry to determine that there  
15 is evidence supporting their factual allegations under Rule 11” in order to bring or continue  
16 their cases. *American Bar Association*, “What is a lawyer’s ethical duty to check out a  
17 client’s claim” (April 1, 2021), *available at*  
18 [https://www.abajournal.com/magazine/article/election-fraud-cases-highlight-ethics-rules-](https://www.abajournal.com/magazine/article/election-fraud-cases-highlight-ethics-rules-on-baseless-complaints)  
19 [on-baseless-complaints](https://www.abajournal.com/magazine/article/election-fraud-cases-highlight-ethics-rules-on-baseless-complaints).

20 Even in expedited election contest litigation, Plaintiff’s attorneys had an ethical duty  
21 to conduct an investigation of the facts supporting their arguments in favor of their client’s  
22 position. Although, as explained in footnote 1, *supra*, this Motion for Sanctions is not being  
23 brought pursuant to Rule 11, that is nonetheless what Rule 11 requires of attorneys as officers

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24  
25 <sup>2</sup> Plaintiff has two attorneys, Brian Blehm and Kurt Olsen. Mr. Blehm is a member of the  
26 Arizona Bar and so bound to follow the Arizona Rules of Professional Conduct. Mr. Olsen  
27 is a member of the D.C. Bar and so bound to follow the D.C. Rules of Professional Conduct.  
28 Its Rule 3.1 has identical language—and, thus, identical requirements—as Arizona’s ER  
3.1.

<sup>3</sup> The language of DC Rule 3.1, Comment 2 is substantial similar to the language of ER 3.1,  
Comment 2 and imposes the same ethical obligations.

1 of the court. Pursuant to that obligation and the requirements of the Rules of Professional  
2 Conduct, Plaintiff's counsel should have conducted such an investigation, including  
3 interviewing their expert and fact witnesses sufficiently to know what they were going to  
4 say before putting them on the stand. Had they done so, they would have known that they  
5 could not prove any of Plaintiff's claims that were ultimately before this Court.

6 If Plaintiff's attorneys did not conduct the basic investigation just described, they  
7 violated their duties as officers of the court. If they did conduct this basic investigation  
8 required by Rule 11 and the Rules of Professional Conduct, then they knew that they could  
9 not produce testimony and evidence to meet their client's burden of proof yet continued this  
10 action anyway, forcing the parties and this Court into a two-day trial even though they knew  
11 that they had no possibility of meeting Plaintiff's burden.

#### 12 Argument

### 13 **I. Plaintiff's Filing and Perpetuating this Groundless Election Contest Warrants** 14 **an Award of Attorneys' Fees to Defendants.**

15 Election contests are purely statutory and provide for limited forms of relief.  
16 *Grounds v. Lawe*, 67 Ariz. 176, 186 (1948). As this Court noted in its December 24, 2022  
17 Order, one contesting an election has an extremely high bar to prove her claims. Indeed,  
18 the Court (1) presumes the good faith of election officials as a matter of law, *Hunt v.*  
19 *Campbell*, 19 Ariz. 254, 268 (1917), and (2) draws "all reasonable presumptions [to] favor  
20 the validity of an election." *Moore v. City of Page*, 148 Ariz. 151, 155 (App. 1986).  
21 Moreover, Lake was required to prove the elements of her claim by clear and convincing  
22 evidence. *McClung v. Bennett*, 225 Ariz. 154, 156, ¶ 7 (2010).

23 Election contests are also rare. Until 2020, the history of election contests in Arizona  
24 involved cases where the margin of victory was just a few votes. *See, e.g., Prutch v. Town*  
25 *of Quartzsite*, 231 Ariz. 431, 433, ¶ 2 (App. 2013) (33 votes); *Findley v. Sorenson*, 35 Ariz.  
26 265, 267-68 (1929) (49 votes); *Hunt*, 19 Ariz. at 261-62 (67 votes). This is not such a case.  
27 As this Court noted, Governor-Elect Hobbs' margin of victory was 17,117 votes and setting  
28

1 such a margin aside “has never been done in the history of the United States.” [See Tr.  
2 Order, at 3] Indeed, the margin of victory in this case was large enough to take it outside  
3 the newly-expanded automatic recount requirement. See A.R.S. § 16-661(A). Yet, without  
4 identifying anywhere near that number of votes that were erroneously counted or not  
5 counted, Plaintiff and her counsel instituted this action.

6 Against the exacting standard for proving her claims in this election contest, Plaintiff  
7 put on several witnesses, not a single one of whom was able to testify that Defendants  
8 engaged in any misconduct that was intended to affect the outcome of the election and  
9 actually did affect the outcome. [See Tr. Order, at 8 (“Every one of Plaintiff’s witnesses –  
10 and for that matter, Defendants’ witnesses as well – was asked about any personal  
11 knowledge of both intentional misconduct and intentional misconduct directed to impact  
12 the 2022 General Election. Every single witness before the Court disclaimed any personal  
13 knowledge of such misconduct.”)]

14 Based on Plaintiff’s lack of any evidence necessary to prove her claims yet  
15 continuing this litigation anyway, sanctions in the form of an award of attorneys’ fees under  
16 A.R.S. § 12-349 in favor of the Maricopa County Defendants is more than warranted. That  
17 statute requires a fee award if an attorney or party engages in certain forms of misconduct,  
18 including bringing a claim “without substantial justification” or “unreasonably expands or  
19 delays the proceeding.” A.R.S. § 12-349(A)(1), (3). Plaintiff and her counsel meet the  
20 requirements here.

21 The phrase “without substantial justification” means that “the claim or defense is  
22 groundless and is not made in good faith.” A.R.S. § 12-349(F). “Groundlessness is  
23 determined objectively whereas harassment and bad faith are subjective determinations.”  
24 *Rogone v. Correia*, 236 Ariz. 43, 50 ¶ 22 (App. 2014). “‘Groundless’ and ‘frivolous’ are  
25 equivalent terms, and a claim is frivolous ‘if the proponent can present no rational argument  
26 based upon the evidence or law in support of that claim.’” *Id.* (quotation omitted). The  
27  
28

1 standard for an award under A.R.S. § 12-349 is a preponderance of the evidence. *Fisher on*  
2 *Behalf of Fisher v. Nat'l Gen. Ins. Co.*, 192 Ariz. 366, 369-370 (App. 1998).<sup>4</sup>

3 There is no question that Plaintiff's claims here were both "groundless" and "not  
4 made in good faith." As noted above, Plaintiff had decided well before the election that if  
5 the results did not favor her, she would deny that they were legitimate. And she misused  
6 this Court to do so. Even after this Court dismissed the bulk of her claims and explained to  
7 Plaintiff that she could not succeed on the remaining two claims without proving by clear  
8 and convincing evidence that Defendants (1) engaged in intentional misconduct,  
9 (2) designed to affect the result of the 2022 general election, and (3) that actually affected  
10 the result, Plaintiff continued this lawsuit—despite knowing she had no ability to meet her  
11 burden. *See Standage v. Jaburg & Wilk, P.C.*, 177 Ariz. 221, 229-30 (App. 1993) (citing  
12 *Boone v. Super. Ct.*, 145 Ariz. 235, 241-42 (1985)) (stating that attorney had an obligation  
13 "to review and reevaluate his client's position as the facts of the case developed and—  
14 although he should have known at the outset that the claims were frivolous—if he did not  
15 know at the outset, as he became aware of information that should reasonably lead him to  
16 believe there was no factual or legal bases for his position").

17 Plaintiff's claims were also made in bad faith, as demonstrated by her scattershot  
18 approach to litigation, her claims' lack of legal and factual merit, and this action's place as  
19 part of a larger scheme carried out by Plaintiff to spread disinformation about elections and  
20 election results in Maricopa County.<sup>5</sup> And she has not stopped. Despite this Court's ruling

21 \_\_\_\_\_  
22 <sup>4</sup> In awarding attorneys' fees under § 12-349, a court must "set forth the specific reasons  
23 for the award and may include" any of eight specified factors, "as relevant, in its  
24 consideration" of the award. A.R.S. § 12-350. The purpose of this requirement is to assist  
the appellate court on review, so the court's findings "need only be specific enough to  
allow an appellate court to test the validity of the judgment." *Bennett v. Baxter Grp., Inc.*,  
223 Ariz. 414, 421 (App. 2010) (quotation omitted).

25 <sup>5</sup> Lake's Twitter posts are full of statements and links regarding things that she was unable  
to prove in this litigation. *See, e.g.*,  
26 [https://twitter.com/KariLake/status/1605012367242235906?s=20&t=18Xuzoec-](https://twitter.com/KariLake/status/1605012367242235906?s=20&t=18Xuzoec-Z5RqgSBsyGCPw)  
[Z5RqgSBsyGCPw](https://twitter.com/KariLake/status/1605012367242235906?s=20&t=18Xuzoec-Z5RqgSBsyGCPw) (Dec. 19, 2022) (describing "botched, stolen, sham elections");  
27 [https://twitter.com/KariLake/status/1605011070552195077?s=20&t=18Xuzoec-](https://twitter.com/KariLake/status/1605011070552195077?s=20&t=18Xuzoec-Z5RqgSBsyGCPw)  
[Z5RqgSBsyGCPw](https://twitter.com/KariLake/status/1605011070552195077?s=20&t=18Xuzoec-Z5RqgSBsyGCPw) (Dec. 19, 2022) (asserting that those who run elections in Arizona are  
"rigging" them);  
28 [https://twitter.com/TPAction\\_/status/1604902923741171712?s=20&t=18Xuzoec-](https://twitter.com/TPAction_/status/1604902923741171712?s=20&t=18Xuzoec-)



1 finding that Plaintiff had utterly failed to prove any of her claims, yesterday—on December  
2 25, 2022—Ms. Lake attacked this Court’s integrity. She tweeted, “The Dismissal of Kari  
3 Lake’s Election Lawsuit Shows Voter Disenfranchisement No Longer Matters @Rach\_IC:  
4 ‘Legal experts believe his decision [by Judge Thompson] was ghostwritten, they suspect  
5 top left-wing attorneys like Marc Elias emailed him what to say.’” @KariLake, *available*  
6 *at* <https://twitter.com/KariLake/status/1607265757133680641>.

7 As Arizona House of Representatives Speaker Rusty Bowers testified to Congress  
8 about a statement that Rudy Giuliani made to him following the 2020 election, Plaintiff here  
9 may have “had a lot of theories, [she] just didn’t have any evidence.” *See*  
10 <https://www.youtube.com/watch?v=xI6NsqizuQE>. Indeed, the entire purpose of this  
11 litigation was to plant baseless seeds of doubt in the electorate’s mind about the integrity  
12 and security of the 2022 General Election in Maricopa County. And while it is one thing  
13 to do so on TV or social media sites, it is another thing entirely to attempt to use the  
14 imprimatur of the courts to try to achieve that goal. Plaintiff’s obvious attempt to do so  
15 here merits sanctions under A.R.S. § 12-349(A)(1).

16 **B. Unnecessary Expansion of the Proceedings**

17 The election contest statutes provide that a person filing such a contest shall name  
18 “the person whose right to the office is contested.” A.R.S. § 16-673(A)(2). Unlike a  
19 challenge to nomination petitions under A.R.S. § 16-351, the election contest statutes do not  
20 identify as indispensable parties the filing officer (here, the Secretary of State) or the “board  
21 of supervisors and the recorder of each county . . . who is responsible for preparing the ballots  
22 that contain the challenged candidate's name.” A.R.S. § 16-351(C)(2)-(3). Yet Plaintiff

23  
24 [Z5RqgSBsyGCPw](https://twitter.com/KariLake/status/1602189683009601537?s=20&t=18Xuzoec-Z5RqgSBsyGCPw) (Dec. 19, 2022) (“My pronouns are: I/Won”) (retweeted by Lake);  
25 [https://twitter.com/KariLake/status/1602189683009601537?s=20&t=18Xuzoec-](https://twitter.com/KariLake/status/1602189683009601537?s=20&t=18Xuzoec-Z5RqgSBsyGCPw)  
26 [Z5RqgSBsyGCPw](https://twitter.com/KariLake/status/1602189683009601537?s=20&t=18Xuzoec-Z5RqgSBsyGCPw) (Dec. 11, 2022) (linking to an article in The Gateway Pundit asserting  
27 that chain of custody for ballot packets delivered to Runbeck Election Services on election  
28 day did not exist). Even after this Court ruled, she has asserted on Twitter that she proved  
her case. *See*  
[https://twitter.com/KariLake/status/1606724410215653376?s=20&t=ChQyztRBBiogbtQ](https://twitter.com/KariLake/status/1606724410215653376?s=20&t=ChQyztRBBiogbtQmsMusTg)  
[msMusTg](https://twitter.com/KariLake/status/1606724410215653376?s=20&t=ChQyztRBBiogbtQmsMusTg) (Dec. 24, 2022) (stating that “My Election Case provided the world with  
evidence that proves our elections are run outside of the law.”).

1 expanded these proceedings by naming as defendants Maricopa County, the members of its  
2 Board of Supervisors, the Maricopa County Recorder, and its Co-Director of Elections.

3 Indeed, even if the court takes a broad view of the election contest statutes and  
4 determines that it would be appropriate to name as defendants those persons who were  
5 members of county election boards or officers responsible for making or participating in a  
6 canvass for a state election, Plaintiff had no cause to name Recorder Richer or Mr. Jarrett as  
7 defendants in this action. *See* A.R.S. § 16-672(A)(1). Neither Recorder Richer nor Mr.  
8 Jarrett were members of an election board, nor did they make or participate in the state  
9 canvass. Indeed, the only role that the members of the Maricopa County Board of  
10 Supervisors had in the state canvass was to provide a copy of the County canvass to the  
11 Secretary for inclusion therein. Accordingly, Plaintiff needless expanded these proceedings  
12 and this Court should also grant sanctions under A.R.S. § 12-349(A)(3).

### 13 APPLICATION FOR ATTORNEYS' FEES

#### 14 I. The Requested Fees Are Appropriate and Reasonable.

15 Having established that they are entitled to an award of attorney's fees under A.R.S.  
16 § 12-349, the Maricopa County Defendants seek an award in the amount of \$25,050. This  
17 includes \$18,730 in fees to attorneys from the Maricopa County Attorney's Office  
18 ("MCAO"), and \$6,320 in fees to outside counsel Emily Craiger of the Burgess Law Group.

19 The fees just described are only the fees incurred during the two days of trial in this  
20 matter, which was conducted on December 21 and 22, 2022. The Maricopa County  
21 Defendants note that they incurred significant fees defending against this action beyond the  
22 \$25,050 that they seek here. This Court, however, ordered on Christmas Eve that any motion  
23 for sanctions must be made by 8:00 a.m. on December 26, 2022—the day after Christmas.  
24 It is unclear to the Maricopa County Defendants whether the Court intends for fee  
25 applications to be submitted as part of the motion for sanctions or whether the Court intends  
26 for such applications to be submitted at a later date.

27 The MCAO attorneys and Ms. Craiger are unable to export their time from their  
28 electronic time-keeping systems into a spreadsheet without clerical help, and the Maricopa

1 County Defendants and Ms. Craiger are unwilling to require that their respective support  
2 staff work on Christmas Eve and Christmas Day. As a result, the Maricopa County  
3 Defendants have directed their attorneys, including Ms. Craiger, to submit a fee application  
4 with their motion for sanctions that seeks only their fees for the two days of trial, which are  
5 known quantities and do not require exporting electronic records. If this Court decides to  
6 grant the motion for sanctions but postpone a determination of the fee award, and so issues  
7 its Judgment pursuant to Rule 54(B), the Maricopa County Defendants will file a  
8 supplemental fee application to seek the full, reasonable amount of their attorney's fees.

9 Arizona courts follow the "lodestar" method for determining attorney's fees awards.  
10 *See, e.g., Schweiger v. China Doll Rest., Inc.*, 138 Ariz. 183, 187-88 (Ct. App. 1983)  
11 (hereafter, "*China Doll*") (holding that an appropriate fee award is determined by  
12 multiplying the reasonable hourly rate by the number of reasonable hours expended). The  
13 *China Doll* court set forth four factors to be utilized by courts to determine whether the rate  
14 charged by the attorneys and the hours they expended were reasonable (the "*China Doll*  
15 Factors"):

16 (1) the qualities of the advocate: his ability, his training, education,  
17 experience, professional standing and skill;

18 (2) the character of the work to be done: its difficulty, its intricacy, its  
19 importance, time and skill required, the responsibility imposed and the  
20 prominence and character of the parties where they affect the importance of  
21 the litigation;

22 (3) the work actually performed by the lawyer: the skill, time and  
23 attention given to the work;

24 (4) the result: whether the attorney was successful and what benefits  
25 were derived.

26 *Id.* at 187. As demonstrated below, the *China Doll* Factors support awarding the Maricopa  
27 County Defendants \$25,050 in attorney's fees.

1           **A.       The Quality of the Advocates.**

2           Plaintiff brought a seventy-page Complaint with thousands of pages of exhibits  
3 alleging multiple violations of constitutional law as well as multiple violations of election  
4 law. These allegations, though groundless from the get-go, were nonetheless complex. To  
5 defend against Plaintiff’s Complaint, the Maricopa County Defendants deployed several  
6 attorneys from the MCAO’s Election Law Team and also retained outside counsel Emily  
7 Craiger from the Burgess Law Group. As explained in their declarations, the four most  
8 senior attorneys have significant election law, constitutional law, and litigation experience.  
9 They also have significant experience with Maricopa County’s election practices and  
10 procedures. One of the two other attorneys has significant litigation experience, and the  
11 other is a new attorney whose billing rate was appropriately discounted.

12           **B.       Character of the Work.**

13           This was an election contest, which pursuant to statute was highly expedited, and  
14 which required a large amount of work by the attorneys within a very short period of time.  
15 This included drafting a motion to dismiss and participating in the motion to dismiss hearing,  
16 drafting an opposition to a motion to expedite discovery, representing the Maricopa County  
17 Defendants’ Election Department at a court-ordered inspection of the ballots by Plaintiff,  
18 preparing witnesses and witness examinations for trial, reviewing Plaintiff’s thousands of  
19 pages of exhibits, including reports of those that she intended to offer as experts, preparing  
20 for cross-examinations of Plaintiff’s witnesses, and participating in the trial. *All of this*  
21 *occurred within a very compressed time period less than two weeks in length.*

22           Further, the nature of the matter as an election contest necessarily implicated an  
23 intricate body of the law, requiring special expertise. Plaintiffs further attempted to insert  
24 constitutional claims not allowed under the election contest statutes, further complicating  
25 this matter, and which similarly required special expertise.

26           The work performed by counsel would have been difficult and complicated under  
27 ordinary circumstances. Considering the circumstances under which counsel actually  
28 operated, the difficulty and intricacy was significant.



1 legitimate justification, let alone a substantial one. The Maricopa County Defendants  
2 therefore ask this Court to impose sanctions against Plaintiff Kari Lake and her attorneys,  
3 Brian Blehm and Kurt Olsen.

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

5  
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MARICOPA COUNTY ATTORNEY

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20 ORIGINAL of the foregoing E-FILED  
21 this 26th day of December 2022 with  
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