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ARIZONA SUPERIOR COURT
MARICOPA COUNTY

23 KARI LAKE,
24 Plaintiff/Contestant,
25 v.
26 KATIE HOBBS,
27 Defendant/Contestee.

No. CV2022-095403

**GOVERNOR-ELECT KATIE
HOBBS'S MOTION FOR
SANCTIONS AND JOINDER IN
MARICOPA COUNTY
DEFENDANTS' MEMORANDUM
AND POINTS OF AUTHORITY**

Assigned to Hon. Peter Thompson

1 On December 24, 2022, this Court denied Plaintiff’s contest and entered an order
2 “confirming the election of Katie Hobbs as Arizona Governor-Elect pursuant to A.R.S. §
3 16-676(B). Now, having fully prevailed in this matter, Governor-Elect Katie Hobbs
4 respectfully moves this Court for an award of her attorneys’ fees pursuant to A.R.S. § 12-
5 349 because this action and its claims were brought “without substantial justification.”
6

7 **I. The Governor-Elect is entitled to Fees.**

8 The Governor-Elect joins in the Memorandum and Points of Authority of the
9 Maricopa County Defendants’ Motion for Sanctions. As demonstrated by Maricopa
10 County’s Motion, both the substance of Plaintiff’s claims and the manner in which they
11 were brought demonstrates that they were brought without “substantial justification” and
12 Plaintiff “[u]nreasonably expand[ed] or delay[ed] the proceeding.” A.R.S. § 12-349(A)(1),
13 (3). That is, Plaintiff’s claims were “groundless and not made in good faith” such that
14 sanctions under section 12-349 are required. *See* A.R.S. § 12-349(F).

15 **II. The Governor-Elect requests the Court enter judgment under Rule 54(b),**
16 **reserving the amount of sanctions.**

17 The Governor-Elect shares the Court’s sense of urgency in confirming the results of
18 the election she won. Under the circumstances, however, the Governor-Elect urges the
19 Court to “direct the entry of final judgment” confirming the results of the election and to
20 make “an express determination that there is no just reason for delay” of that judgment.
21 *Ariz. R. Civ. P. 54(b); see also Brumett v. MGA Home Healthcare, L.L.C.*, 380 P.3d 659,
22 665 (App. 2016) (describing the difference between a judgment entered under 54(b), which
23 allows for appeal when not all claims are resolved, and 54(c), which allows for appeal once
24 all claims are resolved).

25 Considering the compressed schedule on which this matter has proceeded and the
26 urgency in once and for all concluding judicial involvement in the question of the 2022
27 Governor’s election, this is an example of “the rare case in which a judgment on the merits
28

1 of a cause would be appropriate prior to resolution of attorneys' fees" and thus this "court
2 may certify the entry of a 'merits' judgment under Rule 54[b]." *Kim v. Mansoori*, 214 Ariz.
3 457 n.2 (App. 2007). Particularly, the Governor-Elect's counsel will need time to export
4 all billing records from their electronic timekeeping systems and then fully review all
5 timekeeping records and exercise "billing judgment" including making "a good faith effort
6 to exclude from a fee request hours that are excessive, redundant, or otherwise
7 unnecessary." *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983); *see also Schweiger v. China*
8 *Doll Rest., Inc.*, 138 Ariz. 183, 188 (App. 1983) (among other things discussing and setting
9 forth Arizona procedures and standards for fee applications).

10
11 **III. In the alternative, the Governor-Elect request that the Court grant her partial
fee application.**

12 If the Court is inclined to grant Governor-Elect Hobbs's motion for sanctions but
13 disinclined to reserve judgment on the amount of attorneys' fees ordered, the Governor-
14 Elect submits a partial fee application and supporting declarations based on estimated fees
15 for this contest and those expenses and fees that are finalized and/or easily ascertainable at
16 this time.

17
18 Governor-Elect Hobbs retained Elias Law Group LLP and Perkins Coie LLP to
19 represent her in this contest. Both firms instruct their attorneys to enter their time in internal
20 timekeeping systems. In general, at the end of each month, a partner reviews the time
21 entries for accuracy and reasonableness, makes necessary adjustments, and then sends an
22 invoice. Neither firm has completed that process for December; moreover, the compressed
23 timeline between the entrance of the order on December 24 and the deadline for submitting
24 this motion (8 am on December 26) has precluded either firm from reviewing the time
25 entries for this matter pursuant to its standard protocols.
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1 Nonetheless, the Governor-Elect’s counsel is able to provide an estimate of their
2 total fees for this contest as well as an accounting of a subset of those fees and expenses
3 that are definite and not subject to adjustment under the firm’s standard protocols.

4 **Estimated Fees**

5 *Estimated fees for additional legal services in connection with the election contest:*
6 \$550,210.00, of which \$457,032.50 is for Elias Law Group (as set forth in the Khanna
7 Declaration) and \$93,177.50 is for Perkins Coie (as set forth in the Danneman Declaration).
8 This estimated fee total represents the adjusted value of the total lawyer and support staff
9 hours currently entered in each firm’s timekeeping system that will later be subject to each
10 firm’s standard bill review protocol.

11 **Definite Fees and Expenses**

12 *Fees incurred for lawyer and staff support time in court for two days of trial in this*
13 *matter (December 21-22, 2022) and the motion to dismiss hearing (December 19, 2022):*
14 \$56,585.00, of which \$35,762.50 is for Elias Law Group (as set forth in the Khanna
15 Declaration) and \$20,822.50 is for Perkins Coie (as set forth in the Danneman Declaration).
16 These fees for a fixed period of time (2 hours on December 19, 6.5 hours on December 21,
17 and 7.5 hours on December 22), do not require a detailed review of invoices, and will not
18 be revised pursuant to the firms’ standard bill review process.

19 *Expenses incurred for expert witness, Kenneth Mayer: As set forth in the Khanna*
20 *Declaration, Elias Law Group incurred \$22,451.00 to retain an expert witness, Kenneth*
21 *Mayer, who testified at the trial.*

22 *Fees incurred for ballot inspection (December 20, 2022): \$4,689.50. These fees for*
23 *a fixed period of time (8.3 hours on December 20), do not require a detailed review of*
24 *invoices, and will not be revised pursuant to the firms’ standard bill review process.*
25 Governor-Elect Katie is entitled to these fees under A.R.S. § 16-677(B).
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1 Dated: December 26, 2022

PERKINS COIE LLP

2
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17 Original efiled with the Maricopa County
18 Superior Court and served through
19 AZTurboCourt this 26th day of December,
2022:

20 Honorable Peter Thompson
21 Maricopa County Superior Court
22 c/o Sarah Umphress
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