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Attorneys for the Defendant
Maricopa County Board of Supervisors

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

MARICOPA COUNTY DEFENDANTS'
APPLICATION FOR ATTORNEYS'
FEES

(Honorable John J. Tuchi)

Pursuant to District of Arizona Local Rule Civil 54.2(c)(3) and (f) (“Local Rule 54.2”) and the Court’s Order filed December 1, 2022 (Doc. 106), Defendants Bill Gates, Clint Hickman, Jack Sellers, Thomas Galvin, and Steve Gallardo in their official capacities as members of the Maricopa County Board of Supervisors (“the County”) respectfully apply for an award of \$141,690.00 in attorneys’ fees. These fees represent the amount reasonably incurred by the County to defend this frivolous lawsuit. The application is supported by the following Memorandum of Points and Authorities, the Statement of Consultation, attached as Exhibit 1, the assignment letter between Maricopa County and Emily Craiger of the Burgess Law Group, attached as Exhibit 2, the Task-Based Itemized Statements of Fees, attached as Exhibits 3 and 4, and the Affidavits of Emily Craiger, Joseph La Rue, Karen Hartman-Tellez and Thomas P. Liddy attached as Exhibit 5.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ELIGIBILITY FOR AWARD OF ATTORNEYS’ FEES

A. Procedural History

On May 20, 2022, by written correspondence, County counsel alerted Plaintiffs’ counsel of its intention to file a Motion to Dismiss and seek Rule 11 sanctions. On May 27, 2022, County counsel, having received no response, sent e-mail correspondence to Plaintiffs’ counsel requesting a meet and confer. On May 31, 2022, counsel for the Parties participated in a telephonic meet and confer. At that time, Plaintiffs’ counsel stated they had not considered whether amending the FAC could remedy the issues raised in the County’s May 20, 2022, correspondence. Accordingly, the Parties filed a stipulated request for extension of Defendants’ responsive pleading deadline, so Plaintiffs could consider the issues raised by County counsel nearly two weeks prior. (Doc. 24). On June 6, 2022, the Parties participated in a second meet and confer in which Plaintiffs’ counsel stated that it “disagreed” with the County’s position and would not amend or dismiss the FAC, except they would no longer pursue Plaintiffs’ claims based on A.R.S. § 11-251. The following day, on June 7, 2022, the County filed its Motion to Dismiss (“MTD”). (Doc. 27). One day later, on June 8, 2022, Plaintiffs filed their Motion for Preliminary Injunction (“MPI”),

1 as well as Motion for Leave to File Excess Pages. (Doc. 33 and 32 Respectively). Plaintiffs
 2 attached numerous exhibits to its MPI totaling over 1,000 pages. (Doc. 34-43). On June
 3 21, 2022, the County filed its Opposition to Plaintiff's MPI. (Doc. 55).

4 By Order dated July 11, 2022, the Court set an in-person hearing for July 21, 2022,
 5 to consider argument on the MTDs filed by the County and the Secretary of State and for
 6 the parties' presentations on Plaintiffs' MPI. (Doc. 68). On July 18, 2022, County counsel
 7 served its Motion for Sanctions on Plaintiffs' counsel in advance of filing it, pursuant to
 8 the requirements of Rule 11, Fed. R. Civ. P. ("Rule 11"). The County received no response.
 9 On August 10, 2022, the County filed its Motion for Sanctions. (Doc. 97). On August 24,
 10 2022, Plaintiffs' filed their Response in Opposition to the County's Motion for Sanctions.
 11 (Doc. 99). On August 26, 2022, the Court granted Defendants' Motions to Dismiss and
 12 denied as moot Plaintiffs' MPI. (Doc. 100). By Order dated December 1, 2022, the Court
 13 granted the County's Motion for Sanctions. (Doc. 106).

14 **B. Judgment and Legal Authority Supporting Award**

15 This application for attorneys' fees is authorized by the Court's Order filed
 16 December 1, 2022. (Doc. 106 at 30). In its Motion for Sanctions, the County sought an
 17 award of attorneys' fees as sanctions pursuant to Rule 11 and 28 U.S.C. § 1927.

18 Rule 11 states, in pertinent part, that when an attorney presents a signed paper to a
 19 court, that person is certifying that to the best of his or her "knowledge, information, and
 20 belief, formed after an inquiry reasonable under the circumstances,—"

21 (1) it is not being presented for any improper purpose, such as to harass, cause
 22 unnecessary delay, or needlessly increase the cost of litigation;

23 (2) the claims, defenses, and other legal contentions therein are warranted
 24 by existing law or by a nonfrivolous argument for the extension,
 25 modification, or reversal of existing law or the establishment of new law;
 26 [and]

27 (3) the allegations and other factual contentions have evidentiary support
 28 or, if specifically so identified, are likely to have evidentiary support after a
 reasonable opportunity for further investigation or discovery ...

Fed. R. Civ. P. 11(b).

1 A district court may impose appropriate sanctions “[i]f, after notice and a reasonable
2 opportunity to respond, the court determines that Rule 11(b) has been violated.” Fed. R.
3 Civ. P. 11(c).

4 A federal court may also base an order of sanctions on authority granted by 28
5 U.S.C. § 1927, which states, in pertinent part, that:

6 Any attorney ... who so multiplies the proceedings in any case unreasonably
7 and vexatiously may be required by the court to satisfy personally the excess
8 costs, expenses, and attorneys’ fees reasonably incurred because of such
conduct.

9 28 U.S.C. § 1927.

10 Thus, “Section 1927 authorizes the imposition of sanctions against any lawyer who
11 wrongfully proliferates litigation proceedings once a case has commenced.” *Pacific*
12 *Harbor Capital, Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1117 (9th Cir. 2000).

13 II. COMPLIANCE WITH RULE 54.2(D)

14 The County has complied with the supporting documentation requirements of Local
15 Rule 54.2 as follows:

16 (A) **Statement of Consultation:** Undersigned counsel and co-counsel Joseph La
17 Rue personally consulted by phone with counsel for Plaintiffs on December 13,
18 2022. (Exhibit 1). Present on the call were Andrew Parker, Jesse Kibort and
19 Alan Dershowitz. Mr. Parker stated he was representing Kurt Olsen and Joseph
20 Pull on the call. (*Id.*) The parties to the call discussed the consultation
21 requirement and determined there were no issues that could be resolved. Ms.
22 Craiger offered to provide a draft of the fee application and counsel for Plaintiffs
23 stated they would review it. That draft was provided on December 14, 2022.
24 (*Id.*)

25 (B) **Fee Agreement:** The Assignment Letter for the Burgess Law Group signed
26 by Maricopa County Attorney Rachel Mitchell that includes the agreed about
27 hourly rate for Ms. Craiger is attached hereto as Exhibit 2.
28

1 (C) **Task-Based Itemized Statement of Fees and Expenses:** Task-based
 2 itemized statements of time expended are included as Exhibits 3 and 4, for Ms.
 3 Craiger and the assigned counsel from the Maricopa County Attorneys' Office
 4 respectively.

5 (D) **Affidavits:** This application is supported by the Affidavits of undersigned
 6 counsel and co-counsel attached as Exhibit 5.

7 **III. REASONABLENESS OF REQUESTED AWARD**

8 This Court considers the thirteen (13) factors enumerated in LRCiv. 54.2(c)(3) when
 9 determining the reasonableness of an attorneys' fees award. Each such factor is discussed
 10 below.

11 (A) **The Time and labor required of counsel:**

12 As required by LRCiv. 54.2(d)(3), Task-Based Itemized Statements of Fees are
 13 attached hereto as Exhibit 3 and 4. The County seeks an award of attorneys' fees in the
 14 amount of \$141,690.00. This represents the reasonable fees incurred by the County in
 15 connection with: (1) fully briefing its MTD and all related meet and confer obligations;
 16 (2) fully briefing its opposition to Plaintiffs' MPI; (3) preparing for and appearing at the
 17 July 21, 2022, all day hearing in this matter, including preparing for and presenting
 18 witnesses and arguing both the County's Motion to Dismiss and Opposition to MPI; (4)
 19 fully briefing matters as requested by the Court following the hearing; and (5) fully briefing
 20 its Motion for Sanctions, including all meet and confer obligations. Because of the
 21 expedited nature of this matter, multiple attorneys were required in order to adequately
 22 represent the interests of the County. However, the County has not requested fees for every
 23 attorney on this case and has not sought fees that are duplicative. The requested amount is
 24 reasonable and appropriate.

25 (B) **The novelty and difficulty of questions presented:**

26 Plaintiffs' challenge was, unfortunately, not extremely novel. It would have been,
 27 prior to 2020. But ever since the general election that year, misleading lawsuits challenging
 28 the integrity of elections and the equipment used to administer them have become all too

1 common, both in Arizona and elsewhere. Plaintiffs' challenge did, however, present
2 difficult constitutional and statutory questions concerning election administration. Those
3 questions were unnecessarily made more complicated because many were supported by
4 factual allegations that had little to no basis in reality and were not relevant to elections in
5 Arizona. Responding to those legal questions—including by explaining the true state of
6 affairs regarding elections in Arizona and Maricopa County—in order to demonstrate the
7 lawfulness, integrity, and trustworthiness of the County's election equipment and processes
8 was a difficult and time-consuming endeavor. The difficulty was exacerbated by the
9 compressed time-period of just three and a half months during which this litigation, from
10 start to finish, occurred. The successful defense of the County--securing the Order
11 dismissing the action with prejudice--required the attorneys involved to have significant
12 knowledge of not only the legal issues, but also a clear understanding of Maricopa County's
13 election processes and procedures, technical issues related to the County's Election
14 Management System, as well as an understanding of the litigation history concerning the
15 2020 election cycle.

16 **(C) The skill required to perform the legal service properly:**

17 Complex expedited election-related litigation is a specialized practice of law, as
18 addressed above. And as just noted, to successfully litigate this matter—as the County's
19 attorneys did—required great familiarity with election law and also the County's election
20 practices and procedures. Further, each of the attorneys involved is an experienced litigator
21 who has practiced in Federal Court for decades. It was entirely appropriate and necessary
22 to have attorneys with the experience of Ms. Craiger, Mr. La Rue, Ms. Hartman-Tellez and
23 Mr. Liddy on the litigation team.

24 **(D) The preclusion of other employment by counsel because of the**
25 **acceptance of the action.**

26 By accepting this representation, counsel was forced to expend substantial time in
27 an expedited timeframe defending the County with respect to the baseless claims asserted
28 by Plaintiffs. Mr. La Rue, Ms. Hartman-Tellez, and Mr. Liddy are government attorneys

1 who represent government clients set by law. They receive their salaries from the
 2 government; they do not offer their services to other potential clients, but only represent
 3 the government officials that the law provides that they shall represent. Ms. Craiger is in
 4 private practice. Because she agreed to represent the County in this matter, she was
 5 precluded from accepting additional work from other paying clients.

6 **(E) The customary fee charged in matters of the type involved:**

7 As detailed in the Affidavits of counsel, attached hereto as Exhibit 5 and
 8 incorporated by reference herein, the rate of each attorney that worked on this matter is
 9 commensurate with the experience and background of each individual and within the rates
 10 charged in the community by similar professionals. All but one of the named defense
 11 counsel are government attorneys and necessarily bill at rates significantly below what their
 12 respective experience would warrant in the private sector; therefore, the rates for those
 13 attorneys is *de facto* reasonable.

14 **(F) Whether the Contracted fee is Fixed or Contingent:**

15 As required by LRCiv. 54(d)(2), a copy of the fee agreement between undersigned
 16 counsel Emily Craiger and Maricopa County is attached hereto as Exhibit 2.

17 **(G) Any time limitations imposed by the client or the circumstances;**

18 As discussed above, there were substantial time limitations that were imposed on
 19 the County because of Plaintiffs' unreasonable delay in bringing this matter until just six
 20 months before the 2022 general election, and then seeking a preliminary injunction that
 21 would have enjoined the County from using its tabulation equipment to tabulate ballots
 22 cast in that election. The upshot was that a severely compressed time-table for litigating
 23 this matter was created, forcing the County to prepare and defend the issues raised with
 24 minimal time to prepare.

25 **(H) The amount of money, or the value of the rights, involved and the results**
 26 **obtained:**

27 While money was not at issue in this matter, the value of the rights at issue could
 28

not be more significant – at the heart of Plaintiffs’ claim were allegations that, left undisputed, might baselessly undermine public confidence in their right to exercise their fundamental right to vote. As the Court stated, in its Order,

Imposing sanctions in this case is not to ignore the importance of putting in place procedures to ensure that our elections are secure and reliable. It is to make clear that the Court will not condone litigants ignoring the steps that Arizona has already taken toward this end and furthering false narratives that baselessly undermine public trust at a time of increasing disinformation about, and distrust in, the democratic process. It is to send a message to those who might file similarly baseless suits in the future.

(Doc. 106 at 30).

(I) The experience, reputation and ability of counsel:

The majority of the work done on this case was performed by attorneys Emily Craiger, Joseph La Rue, Karen Hartman-Tellez and Thomas P. Liddy. Ms. Craiger has more than 20 years of experience involving litigation in Federal Courts in Arizona, as well as extensive experience litigating election-related matters. Mr. La Rue has practiced law for 16 years and that entire time he has focused his practice on election-related and constitutional matters. Ms. Hartman-Tellez has been practicing law for more than 21 years, focusing on representing governmental entities in election and constitutional-related matters. Finally, Mr. Liddy has practiced law for over 30 years, he is the Civil Division Chief of the Maricopa County Attorney’s Office. Further, he has extensive experience in election-related litigation throughout the United States. These attorneys are all licensed to practice in the State of Arizona.

(J) The “undesirability” of the case:

Election-related litigation in Arizona and nationwide is closely monitored and heavily scrutinized by the media and on social media. The attorneys who worked on this matter on behalf of Maricopa County do this work, in part, because of their dedication to democracy, the rule of law and to the hardworking and dedicated elected officials and employees of Maricopa County. However, the disinformation campaigns relating to elections in this country have caused many attorneys who defend these democratic

1 institutions to be subjected to unwarranted public ridicule, at times, like that discussed in
2 Defendants' Reply in Support of its Motion for Sanctions. (Doc.102 at p. 8).

3 **(K) The nature and length of the professional relationship between the**
4 **attorney and the client:**

5 Each attorney who worked on this case has worked closely with Maricopa County
6 for several years, including successfully defending it in numerous election-related cases,
7 as set forth in each attorney's affidavit.

8 **(L) Awards in similar actions:**

9 County counsel is unaware of any similar sanction award in an election-related
10 litigation matter in the District of Arizona. However, in *King v. Whitmer*, 2021 WL
11 5711102 (E.D. Michigan, December 2, 2021), a case upon which this Court relied in its
12 Order, the court awarded sanctions totaling more than \$175,000.00. That case involved
13 similar baseless claims concerning election integrity. Likewise in *O'Rourke v. Dominion*
14 *Voting Systems, Inc.*, 571 F.Supp.3d 1190 (D. Colorado Nov. 22, 2021), the court awarded
15 sanctions totaling more than \$186,922.00. Sanctions were awarded pursuant to Rule 11
16 and 28 U.S.C. § 1927 because, among other reasons, "in light of the unusual and highly
17 volatile circumstances of this case and the surrounding political environment, Plaintiff's
18 counsel did not conduct a reasonable inquiry into whether the factual allegations had
19 evidentiary support." *Id.* at 1208. Here counsel for the County requests a substantially
20 lower sanction award.

21 **IV. CONCLUSION**

22 The County respectfully asks the Court to award attorneys' fees totaling \$141,690.00.
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1 RESPECTFULLY SUBMITTED this 15th day of December, 2022.

2
3 THE BURGESS LAW GROUP

4 BY: /s/ Emily Craiger
5 Emily Craiger

6 RACHEL H. MITCHELL
7 MARICOPA COUNTY ATTORNEY

8 BY: Thomas P. Liddy
9 Joseph J. Branco
10 Joseph E. La Rue
11 Karen J. Hartman-Tellez
12 Deputy County Attorneys

13 *Attorneys for the Defendant*
14 *Maricopa County Board of Supervisors*

15
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on December 15, 2022, I electronically transmitted the foregoing document
18 to the U.S. District Court Clerk's Office using the CM/ECF System for filing and for transmittal
19 of a Notice of Electronic Filing to all CM/ECF registrants.
20
21
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EXHIBIT “1”

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emily@theburgesslawgroup.com
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Phoenix, Arizona 85016
Telephone: (602) 806-2100

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Attorneys for the Defendant
Maricopa County Board of Supervisors

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

STATEMENT OF CONSULTATION

(Honorable John J. Tuchi)

1 Pursuant to District of Arizona Local Rule 54.2(D), undersigned counsel and co-
2 counsel Joseph La Rue personally consulted by phone with counsel for Plaintiffs on
3 December 13, 2022. Present on the call were Andrew Parker, Jesse Kibort and Alan
4 Dershowitz. Mr. Parker stated he was representing Kurt Olsen and Joseph Pull on the call.
5 The parties to the call discussed the consultation requirement and determined there were
6 no issues that could be resolved. Ms. Craiger offered to provide a draft of the fee
7 application and counsel for Plaintiffs stated they would review it. That draft was provided
8 on December 14, 2022. *See* E-mail correspondence between party counsel attached as
9 Exhibit "A".

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

11
12 THE BURGESS LAW GROUP

13 BY: /s/ Emily Craiger
14 Emily Craiger

15 RACHEL H. MITCHELL
16 MARICOPA COUNTY ATTORNEY

17 BY: Thomas P. Liddy
18 Joseph J. Branco
19 Joseph E. La Rue
20 Karen J. Hartman-Tellez
21 Deputy County Attorneys

22 *Attorneys for the Defendant*
23 *Maricopa County Board of Supervisors*
24
25
26
27
28

EXHIBIT “A”

From: Emily Craiger
Sent: Wednesday, December 14, 2022 9:01 PM
To: Andrew Parker; dersh@law.harvard.edu; Jesse Kibort; Joe Pull; ko@olsenlawpc.com
Cc: Thomas Liddy (MCAO); Joseph LaRue (MCAO); Karen Hartman-Tellez (MCAO); Joseph Branco (MCAO)
Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)
Attachments: Application for Attorneys' Fees - PDF - Lake v. Hobbs (00036558xFFBB0).PDF; Lake v. Hobbs - PDF - KHT Fees (00036556xFFBB0).PDF; Lake v. Hobbs - PDF - TPL Fees (00036552xFFBB0).PDF; Lake v. Hobbs - PDF - JLR Fees (00036554xFFBB0).PDF; Lake v. Hobbs - PDF - EMC Fees (00036550xFFBB0).PDF

Follow Up Flag: Copied to Worldox (Client Documents\010222\000\00036559.MSG)

As discussed on our phone call yesterday, attached is the Application for Attorneys' Fees and related fee statements that we intend to file tomorrow, although we are still making some minor, non-substantive edits. As I stated on the call, the County is requesting a little over \$141,000 in fees. I billed at a rate of \$400 per hour and my co-counsel from the County Attorneys' office billed at a rate of \$300 per hour. If after reviewing you would like to have another discussion, please let us know.

Thank You, Emily

Emily Craiger
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Phoenix, Arizona 85016
Tel: 602.806.2104
Mobile: 602.318-0197
Email: Emily@theburgesslawgroup.com
Web: www.theburgesslawgroup.com



From: Andrew Parker <parker@parkerdk.com>
Sent: Tuesday, December 13, 2022 1:59 PM
To: Emily Craiger <emily@theburgesslawgroup.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com
Cc: Thomas Liddy (MCAO) <liddy@maricopa.gov>; Joseph LaRue (MCAO) <laruej@maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@maricopa.gov>; Joseph Branco (MCAO) <brancoj@maricopa.gov>
Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

I will check but I do not see a calendar invite. In any event we have call in number. Thank you.

PARKER | DANIELS | KIBORT

ANDREW D. PARKER
ATTORNEY

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From: Emily Craiger <emily@theburgesslawgroup.com>

Sent: Tuesday, December 13, 2022 2:17 PM

To: Andrew Parker <parker@parkerdk.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

Cc: Thomas Liddy (MCAO) <liddy@mcdo.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcdo.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcdo.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcdo.maricopa.gov>

Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

My assistant sent a calendar invitation that you should have received. If not, below is the information. Thanks, Emily

Call No. 602-742-0059 Passcode: 005814

From: Andrew Parker <parker@parkerdk.com>

Sent: Tuesday, December 13, 2022 1:14 PM

To: Emily Craiger <emily@theburgesslawgroup.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

Cc: Thomas Liddy (MCAO) <liddy@mcdo.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcdo.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcdo.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcdo.maricopa.gov>

Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Emily I may have missed it but did you send a dial in number?

PARKER | DANIELS | KIBORT

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From: Andrew Parker

Sent: Monday, December 12, 2022 3:31 PM

To: Emily Craiger <emily@theburgesslawgroup.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

Cc: Thomas Liddy (MCAO) <liddy@mcao.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcao.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcao.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcao.maricopa.gov>

Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

2 pm tomorrow Phoenix time works. I understand you will be sending a dial in number.

PARKER | DANIELS | KIBORT

ANDREW D. PARKER
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Sent: Monday, December 12, 2022 3:17 PM

To: Andrew Parker <parker@parkerdk.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

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Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Thanks, Andrew. We're available between noon and 3:00 pm Phoenix time tomorrow. Is there a time that will work?

Emily

Emily Craiger
The Burgess Law Group
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Phoenix, Arizona 85016
Tel: 602.806.2104

Mobile: 602.318-0197

Email: Emily@theburgesslawgroup.com

Web: www.theburgesslawgroup.com



From: Andrew Parker <parker@parkerdk.com>

Sent: Monday, December 12, 2022 2:01 PM

To: Emily Craiger <emily@theburgesslawgroup.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

Cc: Thomas Liddy (MCAO) <liddy@mcao.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcao.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcao.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcao.maricopa.gov>

Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Alan Dershowitz is travelling and only had a narrow window today on short notice. 330 does not work for him. Can you have the call tomorrow or Wednesday. Pls send a couple of times that work and we will pick one.

Thank you.

PARKER | DANIELS | KIBORT

ANDREW D. PARKER
ATTORNEY

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123 NORTH THIRD STREET
MINNEAPOLIS, MN 55401
www.parkerdk.com

tel 612 355 4100

Confidentiality Notice: This email transmission and its attachments, if any, are confidential and intended only for the use of particular persons and entities. They also may be attorney work product and/or protected by the attorney-client privilege or other privileges. Delivery to someone other than the intended recipient(s) shall not be deemed to waive any privilege. Review, distribution, storage, transmittal or other use of the email and any attachment by an unintended recipient is expressly prohibited. If you are not the named addressee (or its agent) or this email has been addressed to you in error, please immediately notify the sender by reply email and permanently delete the email and its attachments without copying or disclosing them.

From: Emily Craiger <emily@theburgesslawgroup.com>

Sent: Monday, December 12, 2022 2:53 PM

To: Andrew Parker <parker@parkerdk.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com

Cc: Thomas Liddy (MCAO) <liddy@mcao.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcao.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcao.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcao.maricopa.gov>

Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Andrew,

We can do 3:30 pm central time. Will that work for you? If so, I'll send a dial-in.

Thanks, Emily

From: Andrew Parker <parker@parkerdk.com>
Sent: Monday, December 12, 2022 1:26 PM
To: Emily Craiger <emily@theburgesslawgroup.com>; dersh@law.harvard.edu; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com
Cc: Thomas Liddy (MCAO) <liddy@mcao.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcao.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcao.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcao.maricopa.gov>
Subject: RE: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Emily, Does 3 pm central time today work for your side?

PARKER | DANIELS | KIBORT

ANDREW D. PARKER
ATTORNEY

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From: Emily Craiger <emily@theburgesslawgroup.com>
Sent: Monday, December 12, 2022 1:07 PM
To: dersh@law.harvard.edu; Andrew Parker <parker@parkerdk.com>; Jesse Kibort <kibort@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; ko@olsenlawpc.com
Cc: Thomas Liddy (MCAO) <liddy@mcao.maricopa.gov>; Joseph LaRue (MCAO) <laruej@mcao.maricopa.gov>; Karen Hartman-Tellez (MCAO) <hartmank@mcao.maricopa.gov>; Joseph Branco (MCAO) <brancoj@mcao.maricopa.gov>
Subject: Lake, et. al. v. Hobbs, et. al. - Consultation pursuant to Arizona Local Rule 54.2(D)

Dear Messrs. Dershowitz, Parker, Kibort, Pull and Olsen,

On December 1, 2022, the Court granted our client's Motion for Sanctions in the above-referenced matter. The Court's Order requires our client to file its application requesting fees within 14 days. Pursuant to LRCIV 54.2(D), the parties are required to personally consult in a good faith effort to resolve any disputed issues related to Defendants' application for fees prior to filing. Please let us know times you are available either this afternoon or tomorrow for this discussion.

Thank You, Emily Craiger

Emily Craiger
The Burgess Law Group

3131 East Camelback Road, Suite 224
Phoenix, Arizona 85016
Tel: 602.806.2104
Mobile: 602.318-0197
Email: Emily@theburgesslawgroup.com
Web: www.theburgesslawgroup.com



EXHIBIT “2”

225 WEST MADISON STREET, 6TH FLOOR
PHOENIX, AZ 85003
WWW.MARICOPACOUNTYATTORNEY.ORG



PH. (602) 506-3411
FAX (602) 506-8102

Maricopa County Attorney
Rachel H. Mitchell

May 13, 2022

Via e-mail and US Mail

Emily Craiger
The Burgess Law Group
3131 East Camelback Road, Suite 224
Phoenix, AZ 85016
Emily@theburgesslawgroup.com

Re: Kari Lake and Mark Finchem v. Kathleen Hobbs, et al., 22-cv-0677-DMF
Retention of Firm to Associate as Counsel for Maricopa County, et al.

Dear Ms. Craiger:

This letter formally retains you and the necessary and appropriate qualified members of your team to associate as counsel of record in the above referenced case in defending Bill Gates, Clint Hickman, Jack Sellers, Thomas Galvin, and Steve Gallardo in the capacity as members of the Maricopa County Board of Supervisors. You will be working directly with counsel from the Civil Division of the Maricopa County Attorney's Office in the defense of this matter. As such, it will be necessary for you to contact the lead attorneys in the Civil Division to coordinate any work that you and your firm will be handling. Specifically, your contacts will be Tom Liddy (liddy@mcdo.maricopa.gov), Joseph LaRue (laruej@mcdo.maricopa.gov), and Joseph Branco (brancoj@mcdo.maricopa.gov).

Your hourly rates for this matter will be billed as follows: you and other attorneys in your office, \$400 per hour and paralegals/law clerks at \$200 per hour. Because you and your firm are not on contract with Maricopa County, it will be necessary to prepare a separate Contract Impracticable setting forth these rates and outlining the basis for retaining you and your firm.

Tom Liddy, Civil Services Division Chief, will be monitoring this matter. Please send your monthly bills via e-mail to Tom at the e-mail address above for review and approval. If you have any questions, you can contact Tom at (602) 506-1738.

Sincerely,

Rachel H. Mitchell
Maricopa County Attorney

cc: Thomas P. Liddy, Division Chief
Joseph Vigil, Practice Group Leader

EXHIBIT “3”



3131 E. Camelback Road, Suite 224
 Phoenix, AZ 85016
 Phone: (602) 806-2100
 Web: theburgesslawgroup.com
 EIN: 86-2345127

Attn: Tom Liddy Maricopa
 County
 225 W Madison Street
 Phoenix, AZ 85003

Emily Craiger
 Statement Date:
 Statement No. Account
 No.

June 3, 2022
 4378
 10222.000

Page: 1

RE: Lake et. al v. Hobbs, et al.

Fees

Date	EC	Description	400.00	0.50	200.00
05/12/2022	EC	Phone conferences with J. La Rue and T. Liddy re Complaint and strategy; begin review of Complaint.	400.00	0.50	200.00
05/13/2022	EC	Review and respond to e-mail correspondence from J. LaRue re strategy.	400.00	0.20	80.00
	EC	Review e-mail correspondence from J. LaRue and L. Medaris re exec session schedule.	400.00	0.20	80.00
	EC	Review Kavanaugh election opinion and e-mail J. LaRue re same.	400.00	0.40	160.00
	EC	Review e-mail correspondence from J. LaRue re application of Purcell principle in an MTD; draft e-mail response re same.	400.00	0.50	200.00
05/14/2022	EC	Review e-mail from J. Branco re 12(b)(6) standard and response to same.	400.00	0.20	80.00
	EC	Continue review of Complaint; review and analysis of Curling v. Raffensberger Order on MTD and review docket re same; draft e-mail to J. LaRue re same.	400.00	1.20	480.00
05/16/2022	EC	Continue review of Complaint; Review status of Iqbal/Twombly standard for MTD; phone conference with J. LaRue and T. Liddy re same.	400.00	2.30	920.00
	EC	Travel to/from and attend Exec Session re Lakes v. Hobbs; meeting with J. LaRue, T. Liddy and J. Branco re Rule 11 and MTD letter and other related strategy.	400.00	3.20	1,280.00
	EC	Review Judge Tuchi's page re special requirements related to MTD/Rule 11; review local rules re same.	400.00	0.30	120.00
05/17/2022	EC	E-mail with T. Liddy and J. LaRue re 12(b)(6) requirements re notice to opposing counsel and strategy re same.	400.00	0.20	80.00
	EC	E-mail J. LaRue and J. Branco re PRR for voting records.	400.00	0.10	40.00
	EC	Review e-mail from J. La Rue re Tuchi order on MTD, review order re same; e-mails with J. La Rue, T. Liddy and J. Branco re same.	400.00	0.30	120.00
	EC	Phone conference with J. Branco re SOL argument.	400.00	0.50	200.00
	EC	Review Complaint re Arizona specific allegations.	400.00	1.20	480.00
	EC	Telephone conference with J. LaRue re strategy.	400.00	0.50	200.00

05/18/2022	EC	Review Mahoney decision re Texas election equipment; review and respond to e-mail correspondence from J. LaRue, J. Branco and T. Liddy re Rule 11/MTD letter; research case law re reliance on public record in MTD; phone conference with J. Branco re Monell argument and use of public record re MTD; telephone conference with J. LaRue re MTD, factual record and draft letter re Rule 11/MTD; draft Rule 11/MTD letter; e-mail correspondence with Pima and Maricopa County re public records request.	400.00	6.30	2,520.00
05/19/2022	EC	Review revisions to Rule 11 letter; phone conference with J. La Rue re same; Phone conference with Pima County and SOS re strategy per JDA.	400.00	1.80	720.00
	EC	Review and analysis of J. La Rue revisions to MTD/Rule 11 letter.	400.00	0.40	160.00
05/20/2022	EC	Telephone conferences with J. LaRue and T. Liddy re revisions to Rule 11/MTD letter; review Finchem and Lake voting history; revise and finalize Rule 11/MTD letter and e-mail correspondence with J. La Rue, T. Liddy and K. Hartman-Tellez re same.			
			400.00	5.30	2,120.00
05/26/2022	EC	Telephone conference with J. La Rue re dominion equipment.	400.00	0.20	80.00
	EC	GoTo meeting with Defendants counsel re status of MTDs and next steps.	400.00	0.50	200.00
	EC	Review sections of complaint for references in Iqbal/Twombly section of MTD.	400.00	0.80	320.00
	EC	E-mails with J. LaRue and K. Hartman-Tellez re <i>Notice of Appearance</i> .			
			400.00	0.20	80.00
05/27/2022	EC	Revise Iqbal section of MTD; e-mails with J. LaRue re draft MTD; GoTo conference with J. LaRue, T. Liddy and K. Hartman-Tellez re draft MTD.	400.00	5.80	2,320.00
	EC	E-mail with opposing counsel re meet and confer.	400.00	0.20	80.00
05/28/2022	EC	Revise Iqbal section of MTD; review draft MTD and related e-mails.	400.00	1.80	720.00
05/29/2022	EC	E-mail with J. LaRue re MTD taking judicial notice of certain facts and preparing certification re meet and confer.	400.00	0.10	40.00
05/30/2022	EC	Review motion to file oversized brief and e-mail J. LaRue re same.	400.00	0.30	120.00
	EC	Review MTD and prepare for meet and confer.	400.00	0.40	160.00
05/31/2022	EC	Draft certification re meet and confer; phone conferences with J. La Rue, T. Liddy, J. Branco re meet and confer; participate in meet and confer conference with counsel for all parties; draft finalize and file stipulation for extension of time re responsive pleading and proposed order re same and e-mail with counsel for all parties re same; review e-mail correspondence from SOS counsel and Plaintiff's counsel re meet and confer; phone conferences with J. La Rue, T. Liddy and J. Branco re revisions to Motion to Dismiss.	400.00	5.80	2,320.00
	EC	Review and approve Notice of Appearance.	400.00	0.10	40.00
06/01/2022	EC	Finalize and file Notice of Appearance.	400.00	0.20	80.00
06/03/2022	EC	E-mails re scheduling second meet and confer.	400.00	0.20	80.00
06/06/2022	EC	Prepare for and attend meet and confer re MTD; phone conference with T. Liddy and J. LaRue re same; phone conference with T. Liddy re same; review and edit draft MTD.	400.00	2.10	840.00

06/07/2022	EC	Revise and finalize MTD; review exhibits; file MTD; phone conferences with J. LaRue and T. Liddy re same.	400.00	2.80	1120.00
06/13/2022	EC	Meeting with J. La Rue and K. Hartman-Tellez re strategy responding to motion for PI; review e-mail from A. Kolodin re amicus.	400.00	0.60	240.00
06/14/2022	EC	Continue review of declarations and exhibit to Motion for PI; review case law cited; schedule call per JDA.	400.00	2.30	920.00
06/15/2022	EC	Continue review of PI Motion and exhibits; phone conference with J. La Rue and T. Liddy re strategy; research re PI standard, 2020 election cases review, and available remedies; e-mail J. La Rue re whether MTD needs to be refiled; review amicus brief and e-mails re same; review A. Dershowitz pro hac admission; phone conference with J. La Rue and T. Liddy re opposition to page limit extension and review draft of same; review order granting page limit extension; strategy call per JDA re response to PI; research re Rule 11.	400.00	5.60	2240.00
06/16/2022	EC	Begin drafting response to Motion for PI; continue reviewing Motion for PI exhibits re response.	400.00	1.70	680.00
06/17/2022	EC	Continue draft of Response to MPI; e-mail correspondence with J. LaRue and T. Liddy re same; phone conferences with J. La Rue and T. Liddy re same; e-mail correspondence re responding to Amicus brief; review EPM decision.	400.00	11.80	4720.00
06/18/2022	EC	Review J. La Rue revision re response to MPI and revise same; e-mail correspondence re same.	400.00	1.90	760.00
06/19/2022	EC	Review e-mail from S. Jarett re draft declaration.	400.00	0.40	160.00
06/20/2022	EC	Review revisions to response to MPI; phone conferences with J. La Rue and T. Liddy re same; review draft motion for leave re amicus brief and draft e-mail re same.		2.30	920.00
06/21/2022	EC	Revise S. Jarett declaration.	400.00	0.90	360.00
	EC	Revise Response to MPI, including adding S. Jarrett declaration citations.	400.00	1.30	520.00
	EC	Initial review of response to County MTD and Motion for judicial notice.	400.00	0.30	120.00
06/22/2022	EC	Finalize and file response to MPI; e-mails with J. LaRue and K. Hartman-Tellez re drafting strategy on reply ISO MTD; review plaintiffs response to SOS MTD; review SOS opposition to MPI.	400.00	1.20	480.00
06/27/2022	EC	Review and analysis of Response to MTD; review case law cited in Response; draft Reply ISO of MTD.	400.00	7.20	2880.00
06/28/2022	EC	Finalize and file Reply ISO MTD; e-mail with J. LaRue, K. Hartman Tellez and J. Branco re same; phone conferences with J. LaRue re same.	400.00	3.40	1360.00
06/29/2022	EC	Review SOS reply ISO of MTD; Review Plaintiff's reply ISO of PI.	400.00	0.40	160.00
07/01/2022	EC	Review Amicus brief and draft response to same.	400.00	0.90	360.00
07/05/2022	EC	Finalize draft response to amicus brief.	400.00	0.40	160.00
07/08/2022	EC	Review Rule 11 rules and related case law.	400.00	0.90	360.00

07/11/2022	EC	Review court's scheduling order and e-mail with J. La Rue and T. Liddy regarding same.	400.00	0.40	160.00
07/12/2022	EC	Phone conferences with J. La Rue and T. Liddy regarding hearing strategy.	400.00	1.20	480.00
07/13/2022	EC	Phone conference with SOS counsel regarding hearing strategy.	400.00	0.90	360.00
	EC	Continue draft of Rule 11 Motion.	400.00	0.90	360.00
07/14/2022	EC	Continue draft of Rule 11 Motion.	400.00	10.60	4240.00
07/15/2022	EC	Continue draft of Rule 11 Motion and phone conferences with J. LaRue and T. Liddy regarding same.	400.00	2.10	840.00
07/16/2022	EC	Revise Rule 11 Motion and e-mail with J. LaRue, K. Hartman-Tellez, J. Branco and T. Liddy regarding same.	400.00	1.20	480.00
07/16/2022	EC	Review K. Hartman-Tellez revisions to Rule 11 Motion.	400.00	0.20	80.00
	EC	Review Plaintiff's transcript request	400.00	0.10	40.00
07/18/2022	EC	Cite check and finalize Rule 11 Motion ; Draft cover letter to Plaintiffs' counsel re Rule 11 Mtn; phone conferences with J. LaRue and T. Liddy re rule 11 Motion and hearing preparation.	400.00	3.20	1280.00
	EC	Research regarding Daubert standard.	400.00	3.20	1280.00
07/19/2022	EC	Review e-mail correspondence with counsel regarding witness and exhibits; phone conferences with J. LaRue and T. Liddy re hearing strategy; review pleadings and prepare for oral argument; review witness declarations.	400.00	4.20	1680.00
07/20/2022	EC	Review Daubert Motion filed by SOS and draft joinder to same; Review witness lists; Moot court oral argument and hearing; review direct examination outline for S. Jarrett; Final preparation for closing argument; review case law and "expert testimony" cited by plaintiff; review Iqbal/Twombly standard and related case law.	400.00	8.40	3360.00
07/21/2022	EC	Review SOS filing re expert flight delay; communication with J. LaRue and T. Liddy regarding same; appear at hearing regarding preliminary injunction and motion to dismiss; review court minute entries regarding same.	400.00	8.90	3560.00
07/22/2022	EC	Review draft answer to judge's question; review draft notice of errata; phone conference with J. LaRue regarding same.	400.00	0.80	320.00
07/25/2022	EC	Virtual attendance at BOS executive session re update.	400.00	1.30	520.00
	EC	Review transcript request from D. Cross and e-mail J. LaRue regarding same.	400.00	0.20	80.00
07/26/2022	EC	Review B. Cotton declaration.	400.00	0.20	80.00
	EC	Review e-mail correspondence from G. Golec and e-mail.	400.00	0.30	120.00
08/01/2022	EC	E-mail correspondence with J. LaRue regarding letter to Fann re deceased voters; review supplemental authority draft.	400.00	0.50	200.00
08/02/2022	EC	Review request to supplement record; e-mails with J. La Rue regarding same.	400.00	0.40	160.00

	EC	Review Notice of Supplemental Authority and e-mail correspondence with J. La Rue and K. Hartman-Tellez regarding same.	400.00	0.30	120.00
08/09/2022	EC	E-mail correspondence with J. LaRue and T. Liddy re filing Rule 11 motion; review motion and correspondence with opposing counsel regarding same.	400.00	0.80	320.00
08/10/2022	EC	Finalize and file Rule 11 Motion.	400.00	1.20	480.00
	EC	Draft proposed order re Rule 11 Motion; phone conference and e-mail correspondence with J. LaRue regarding same.	400.00	0.30	120.00
	EC	Phone conferences with J. LaRue and T. Liddy regarding media coverage.	400.00	0.50	200.00
08/11/2022	EC	Phone conferences with T. Liddy, Z. Schira and J. LaRue re media coverage; prepare regarding same and phone conferences with media re same.	400.00	2.10	840.00
08/12/2022	EC	Create timeline re Rule 11 motion.	400.00	0.60	240.00
08/15/2022	EC	Prepare for and attend executive session regarding update.	400.00	3.80	1520.00
08/24/2022	EC	Initial review of response to Rule 11 Motion.	400.00	0.80	320.00
	EC	Phone conference with J. LaRue regarding Reply re Rule 11 strategy.	400.00	0.50	200.00
08/25/2022	EC	Review Plaintiff's response to Daubert motion.	400.00	0.30	120.00
08/26/2022	EC	Review and analysis of order dismissing case; review research re sanctions post-dismissal; e-mails with J. LaRue, T. Liddy, J. Branco and K. Hartman-Tellez re Rule 11 strategy and dismissal; review order granting pro hac.	400.00	2.20	880.00
08/28/2022	EC	Begin draft of Reply ISO Rule 11.	400.00	1.60	640.00
08/29/2022	EC	Review FAC, Motion for PI and Response to Rule 11; continue draft of Reply ISO Rule 11.	400.00	4.80	1920.00
08/30/2022	EC	Review case law cited in Response to Rule 11 Motion; continue draft of Reply in Support of Rule 11 Motion.	400.00	8.60	3340.00
08/31/2022	EC	Phone conferences with J. LaRue and T. Liddy regarding Reply in support of Rule 11 Motion; Finalize and file same.	400.00	4.80	1920.00
09/09/2022	EC	Review e-mail from J. LaRue regarding subpoena to SOS from M. Lindell.	400.00	0.20	80.00
09/16/2022	EC	Phone conferences with J. Branco regarding appeal strategy; review e-mail correspondence regarding same; phone conference with J. Branco, J. LaRue and SOS counsel regarding same.	400.00	0.70	280.00
09/23/2022	EC	Telephone conference with J. LaRue regarding executive session update.	400.00	0.20	80.00
09/26/2022	EC	Prepare for and attend executive session regarding litigation update.	400.00	0.70	280.00
10/03/2022	EC	Review D. Logan and B. Cotton testimony re admissions related to recount; e-mails with Z. Shira regarding same.	400.00	1.30	520.00
10/04/2022	EC	E-mail with T. Liddy re PRR and letter to Cotton re EMS data.	400.00	0.20	80.00
	EC	E-mails with T. Liddy and J. LaRue re requesting names from B. Cotton; draft correspondence to B. Cotton re same.	400.00	0.30	120.00
10/05/2022	EC	Complete draft of letter to B. Cotton re EMS data; e-mails with J. LaRue and T. Liddy re same.	400.00	0.50	200.00

10/19/2022	EC	E-mail T. Liddy and J. La-Rue re Cotton non-response.	400.00	0.20	80.00
12/01/2022	EC	Review and analysis of sanction order.	400.00	1.00	400.00
TOTAL				178.30	71220.00

EXHIBIT “4”

MCAO/Thomas P. Liddy

Date	Prof	Matter ID/Client Sort	Component Task Code	Units	Price	Value
Responsible: Finn, Gayla						
05/12/2022	TPL	Conference call re: litigation strategy	T A105	0.40	300.00	120.00
05/12/2022	TPL	Meeting in conference room re Lake v Hobbs with J LaRue, J Branco and G Finn	T A104	0.80	300.00	240.00
05/19/2022	TPL	Review of Rule 11 motion and email team re: same	T A104	1.20	300.00	360.00
05/20/2022	TPL	Continue review of Rule 11 motion and email team re: same	T A104	0.80	300.00	240.00
05/27/2022	TPL	Read correspondence re: Lake v Hobbs. Conversation with J LaRue re: litigation strategy and potential staffing	T A104	0.50	300.00	150.00
05/31/2022	TPL	Conference with J LaRue re motion to dismiss, motion for Judicial notice. Communicate with E Craiger and J LaRue re potential amendment to complaint in order to cure	T A105	1.80	300.00	540.00
06/06/2022	TPL	Meeting with E Craiger and J LaRue to prep for meet and confer	T A107	0.40	300.00	120.00
06/06/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
06/06/2022	TPL	Meet and confer with plaintiff's counsel	T A108	0.50	300.00	150.00
06/18/2022	TPL	Review draft of response to MPI	T A104	0.30	300.00	90.00
07/05/2022	TPL	Review amicus brief	T A104	2.00	300.00	600.00
07/11/2022	TPL	Conversation with J LaRue re witness prep for 7/21 hearing	T A105	0.25	300.00	75.00
07/12/2022	TPL	Read email from A Gaona, E Craiger, J Branco & J LaRue re: hearing	T A104	0.20	300.00	60.00
07/12/2022	TPL	Litigation strategy session with E Craiger, J La Rue, Secretary of State	T A104	1.50	300.00	450.00
07/12/2022	TPL	Phone conference with J LaRue and E Craiger re: litigation strategy, witness examination	T A104	0.60	300.00	180.00
07/12/2022	TPL	Meeting with E Craiger	T A107	1.00	300.00	300.00
07/13/2022	TPL	Team meeting re: litigation strategy and division of tasks	T A104	0.80	300.00	240.00
07/14/2022	TPL	Read correspondence from A Gaona re: expert witnesses, scheduling . Conversation with J LaRue re: hearing prep	T A104	0.40	300.00	120.00
07/14/2022	TPL	Correspondence with E Craiger and J LaRue re: litigation strategy, experts	T A107	0.30	300.00	90.00

07/15/2022	TPL	Conversation with J LaRue re: litigation strategy, MPI, 12(B)(6) and LaRue brief re: conversation with A Gaona and E Craiger	T A105	0.50	300.00	150.00
07/15/2022	TPL	Correspondence with E Craiger and J LaRue re: argument	T A107	0.20	300.00	60.00
07/16/2022	TPL	Correspondence with E Craiger re: review of draft Rule 11 motion	T A107	0.50	300.00	150.00
07/16/2022	TPL	Correspondence with E Craiger, K Hartman- Tellez, J Branco and J LaRue re: draft motion	T A105	0.20	300.00	60.00
07/18/2022	TPL	Review of final draft of rule 11 motion. Conversation with E Craiger re: revisions	T A104	0.40	300.00	120.00
07/19/2022	TPL	Conversation with J LaRue re: moot court preparation. Review of exhibits	T A104	0.25	300.00	75.00
07/19/2022	TPL	Read correspondence from A. Dershowitz, E Craiger, J Branco re: Mills, Cotton & Daugherty.	T A104	1.40	300.00	420.00
07/20/2022	TPL	Correspondence with J. LaRue and E Craiger re: hearing prep, witness statements, exhibits, Pima County	T A104	0.80	300.00	240.00
07/20/2022	TPL	Prep for hearing. Review motion to strike, confer with joinder motion with E Craiger and J. LaRue	T A104	3.00	300.00	900.00
07/21/2022	TPL	Prep for hearing. Attend hearing. Confer with J LaRue, E Craiger and A Gaona	T A109	9.00	300.00	2700.00
07/25/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
07/27/2022	TPL	Review Cotton declaration	T A104	0.50	300.00	150.00
07/27/2022	TPL	Review order dismissing complaint	T A104	1.00	300.00	300.00
08/15/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
08/19/2022	TPL	Phone conversation with E Craiger and J LaRue re: Rule 11 motion	T A105	0.40	300.00	120.00
09/26/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
10/17/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
11/14/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
11/28/2022	TPL	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
Responsible: Finn, Gayle				GRAND TOTAL	34.00	10200.00

MCAO/Joseph La Rue

Date	Prof	Matter ID/Client Sort	Component	Units	Price	Value
Matter Description Narrative		Task Code				
Responsible: Rue, Joseph						
05/27/2022	JLR	Filing numerous emails and docs that were in my Inbox	T A110	0.50	300.00	150.00
05/28/2022	JLR	Research, draft work on Motion to Dismiss	T A102	7.00	300.00	2100.00
05/29/2022	JLR	Drafting fact section of Motion to Dismiss; reviewing MTD and making edits	T A103	11.80	300.00	3,540.00
05/30/2022	JLR	Draft Motion to File Oversize Brief; additional work on Motion to Dismiss	T A103	4.00	300.00	1200.00
05/30/2022	JLR	Drafted motion for extra pages; additional draft work on Motion to Dismiss	T A103	3.60	300.00	1080.00
05/31/2022	JLR	Draft work on motion for judicial notice;very ph calls re this matter	T A103	3.40	300.00	1020.00
05/31/2022	JLR	Ph conf, meet and confer w/ Plaintiffs counsel re our Motion to Dismiss, whether amendment is possible.	T A107	0.40	300.00	120.00
06/01/2022	JLR	Various work on this matter	T A102	5.00	300.00	1500.00
06/08/2022	JLR	Review emails, docs filed in court in Inx re this matter	T A104	2.50	300.00	750.00
06/18/2022	JLR	Review and edit outside counsel Emily Craiger's draft MPI Response	T A103	4.40	300.00	1320.00
06/18/2022	JLR	Review / Edit Emily's second draft of the MPI Response	T A103	0.60	300.00	180.00
06/19/2022	JLR	Draft Motion for Leave to Respond to Amicus Brief; email to Team for their review	T A103	0.80	300.00	240.00
06/19/2022	JLR	Draft First Declaration of Scott Jarrett	T A103	1.00	300.00	300.00
06/20/2022	JLR	Various work on this lawsuit	T A104	7.00	300.00	2100.00
06/21/2022	JLR	Draft work on several versions of Scott Jarrett's declaration; various phone confs re this matter; various other work re this matter	T A103	11.30	300.00	3,390.00
06/28/2022	JLR	Review some of the emails in Inbox associated with this matter; review docs attached; file	T A104	1.00	300.00	300.00
06/28/2022	JLR	Review and revise Emily Craiger's draft Reply ISO Motion to Dismiss.	T A103	3.20	300.00	960.00
06/30/2022	JLR	Reviewing/filing emails in Inbox re this matter.	T A103	2.00	300.00	600.00
07/02/2022	JLR	Draft motion for leave to file response to AZGOP's amicus brief	T A103	0.30	300.00	90.00

07/02/2022	JLR	Begin drafting our proposed response T A103 to AZGOP's amicus brief	4.50	300.00	1350.00
07/03/2022	JLR	Continue researching and drafting T A103 Response to AZGOP's Amicus Brief	4.30	300.00	1290.00
07/03/2022	JLR	Continue researching and drafting T A103 response to AZGOP amicus brief	2.70	300.00	810.00
07/04/2022	JLR	Finish drafting Response to AZGOP's T A103 Amicus Brief; send to rest of Team for review	3.20	300.00	960.00
07/05/2022	JLR	Receive KHT's proposed edits to T A104 Response to AZGOP's Amicus Brief; review	0.30	300.00	90.00
07/05/2022	JLR	Additoinal draft work on motion for T A103 leave to file, proposed order, and proposed response to AZGOP amicus	2.40	300.00	720.00
07/15/2022	JLR	Ph. conf with Emily Craiger re Andy T A107 Gaona's proposal for oral argument in the hearing on this matter.	0.20	300.00	60.00
07/15/2022	JLR	Conf w/ Tom; draft / send email to T A107 Andy Gaona re his argument proposal	1.00	300.00	300.00
07/15/2022	JLR	Reviewing emails and docs in Inbox T A104 re this matter; filing	0.70	300.00	210.00
07/15/2022	JLR	Reviewing Emily's draft Rule 11 T A103 motion, making suggested edits.	3.20	300.00	960.00
07/18/2022	JLR	Review rules for sending a Rule 11 T A104 letter; prepare for call w/ Emily Craiger; have call with Emily Craiger	0.70	300.00	210.00
07/19/2022	JLR	re the Rule 11 motion Review emails and docs in Inbox re T A104 this matter; respond as warranted; file	0.50	300.00	150.00
07/19/2022	JLR	Prepare for video conf w/ Tom Liddy T A105 and Emily Craiger; participate in conference.	1.00	300.00	300.00
07/19/2022	JLR	Reviewing multiple docs in this T A104 matter in prep for Emily Craiger's moot court tomorrow; drafting	7.70	300.00	2310.00
07/20/2022	JLR	witness examination of Scott Jarrett T A103 Continue drafting Scott Jarrett's direct examination	2.10	300.00	630.00
07/24/2022	JLR	2022-1694/ Maricopa County Board T A110 of Supervisors Kari Lake vs Katie Hobbs Downloading the recent filings in this matter.	1.20	300.00	360.00
07/25/2022	JLR	2022-1694/ Maricopa County Board T A104 of Supervisors Kari Lake vs Katie Hobbs REview emails and docs in Inbox re this matter; respond as warranted; file	0.50	300.00	150.00
07/27/2022	JLR	2022-1694/ Maricopa County Board T A104 of Supervisors Kari Lake vs Katie Hobbs Download Ben Cotton's supplemental declaration, which was filed yesterday; review; send to our team.	0.70	300.00	210.00

08/04/2022	JLR	Review emails in inbox re this matter; respond as warranted; file	T A104	1.10	300.00	330.00
08/08/2022	JLR	Review emails and docs in Inbox re this matter; respond as warranted; file	T A104	1.10	300.00	330.00
08/09/2022	JLR	Perform one final review of the Rule 11 Motion. Ph. conf w/ Tom re the same. Ph. conf w/ outside counsel Emily Craiger re the same. Draft / send email to Emily giving her filing authority.	T A104	0.80	300.00	240.00
08/11/2022	JLR	Review emails and docs in Inbox re this matter; respond as warranted; file	T A104	0.30	300.00	90.00
08/25/2022	JLR	Review Plaintiffs' Response Opposing Rule 11 Sanctions; ph conf w/ Emily Craiger re same	T A104	2.30	300.00	690.00
08/31/2022	JLR	Review Emily Craiger's draft Reply ISO Motion for Sanctions; provide proposed edits	T A103	3.00	300.00	900.00
09/20/2022	JLR	Review emails and docs in Inbox re this matter; respond as warranted; file	T A104	1.00	300.00	300.00
10/04/2022	JLR	Review emails and docs in Inbox re this matter; respond as warranted; file	T A104	0.30	300.00	90.00
10/05/2022	JLR	Review draft letter by Emily to Ben Cotton; approve	T A104	0.20	300.00	60.00
10/05/2022	JLR	Review emails and docs in Inbox re this matter; respond as warranted; file	T A104	0.10	300.00	30.00
12/06/2022	JLR	Review emails in Inbox re this matter; respond as warranted; file	T A104	0.10	300.00	30.00
07/21/2022	JLR	Prepare for, attend hearing on MPI and Motion to Dismiss.	T A109	9.00	300.00	2700.00
05/12/2022	JLR	Participate in conference call re lawsuit	T A104	5.30	300.00	1590.00
06/15/2022	JLR	Teleconference with SOS and elections team	T A107	0.50	300.00	150.00
07/20/2022	JLR	Moot court in prep for 7/21 hearing	T A104	2.00	300.00	600.00
06/06/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
07/25/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
08/15/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
09/26/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
10/17/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
11/14/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
11/28/2022	JLR	E-session: provide legal advice to Board of Supervisors re: Lake v Hobbs	T A106	0.30	300.00	90.00
Grand Total:				135.90	40770.00	\$40,770.00

MCAO/Karen Hartman-Tellez

Date	Prof	Matter ID/Client Sort	Component			
Matter Description Narrative			Task Code			
Responsible: Hartman-Tellez, Karen						
05/11/2022	KHT	Review Amended Complaint.	T A104	1.20	300.00	360.00
05/12/2022	KHT	Conference with T. Liddy, J. Branco, J. LaRue, and J. Vigil re Lake v. Hobbs Amended Complaint.	T A105	1.00	300.00	300.00
05/12/2022	KHT	Conference with J. Branco re Motion to Dismiss Lake v. Hobbs.	T A105	0.50	300.00	150.00
05/14/2022	KHT	Communications re Lake v. Hobbs Motion to Dismiss.	T A105	0.50	300.00	150.00
05/16/2022	KHT	Teleconference with J. Branco re Lake v. Hobbs Motion to Dismiss.	T A105	0.30	300.00	90.00
05/19/2022	KHT	Review and edit Rule 11 letter (0.8); email communications with T. Liddy, J. Branco, J. LaRue, and E. Craiger re same (0.3).	T A104	1.10	300.00	330.00
05/20/2022	KHT	Review and edit Rule 11 letter (0.4); email communications with T. Liddy, J. Branco, J. LaRue, and E. Craiger re same (0.2).	T A104	0.60	300.00	180.00
05/23/2022	KHT	Legal research re constitutional claims.	T A102	3.20	300.00	960.00
05/25/2022	KHT	Legal research re constitutional claims.	T A102	4.10	300.00	1230.00
05/26/2022	KHT	Draft constitutional claims section of Motion to Dismiss (2.4); legal research re same (1.3).	T A103	3.70	300.00	1110.00
05/27/2022	KHT	Draft constitutional claims section of Motion to Dismiss.	T A103	2.90	300.00	870.00
05/28/2022	KHT	Draft and edit constitutional claims section of motion to Dismiss in Lake v. Hobbs (2.1); legal research re same (1.0); communications with J. LaRue re draft (0.3).	T A103	3.40	300.00	1020.00
05/29/2022	KHT	Email communications with J. LaRue, T. Liddy, E. Craiger, and J. Branco re Motion for Judicial Notice.	T A105	0.20	300.00	60.00
05/30/2022	KHT	Edit Lake v. Hobbs Motion to Dismiss; communications with J. LaRue, T. Liddy, E. Craiger, and J. Branco re same.	T A103	2.10	300.00	630.00
05/31/2022	KHT	Meet and confer with all counsel in Lake v. Hobbs (0.4); communications with SOS counsel re same (0.3).	T A108	0.70	300.00	210.00
06/06/2022	KHT	Second Meet and Confer re Motion to Dismiss.	T A108	0.30	300.00	90.00
06/07/2022	KHT	Edit Motion to Dismiss and certificate re meet and confer.	T A103	1.40	300.00	420.00

06/08/2022	KHT	Review Lake v. Hobbs Motion for Preliminary Injunction and exhibits (1.9); review Secretary of State's Motion to Dismiss (0.4).	T A104	2.30	300.00	690.00
06/10/2022	KHT	Teleconference with J. LaRue and E. Craiger re Response to PI Motion.	T A105	0.40	300.00	120.00
06/13/2022	KHT	Meeting re Response to PI Motion.	T A105	0.70	300.00	210.00
06/15/2022	KHT	Teleconference with R. Desai, A. Gaona, K. Yost, E. Craiger and J. LaRue re response to Lake v. Hobbs PI Motion (0.4); edit response re Motion for extra pages (0.3).	T A107	0.70	300.00	210.00
06/17/2022	KHT	Review and edit Lake v. Hobbs Response to PI Motion (1.7); email communications with E. Craiger, J. LaRue, T. Liddy, and J. Branco re same (0.2).	T A103	1.90	300.00	570.00
06/19/2022	KHT	Review and edit Lake v. Hobbs Response to Motion for Preliminary Injunction and Motion for Leave to Respond to Amicus (0.9); email communications with T. Liddy, J. Branco, J. LaRue, and E. Craiger re same (0.2).	T A103	2.10	300.00	630.00
06/21/2022	KHT	Review and edit Jarrett Declaration (1.8); email communications with T. Liddy, J. LaRue, and E. Craiger re same (0.2); teleconference with J. LaRue re Response to Motion for Preliminary Injunction (0.3).	T A103	2.30	300.00	690.00
06/28/2022	KHT	Review and edit Replies in support of MTD and Motion for Judicial Notice.	T A103	1.10	300.00	330.00
07/05/2022	KHT	Review and edit Response to AZGOPT Amicus Brief.	A103	0.60	300.00	180.00
07/11/2022	KHT	Review Order setting hearing.	T A104	0.20	300.00	60.00
07/12/2022	KHT	Communications with counsel for Secretary of State and Pima County re PI hearing.	T A107	0.20	300.00	60.00
07/13/2022	KHT	Teleconference with SOS counsel re PI hearing.	T A107	0.60	300.00	180.00
07/14/2022	KHT	Legal research re sanctions (2.1); email communications with E. Craiger re same (0.2).	T A102	2.30	300.00	690.00
07/17/2022	KHT	Review and edit draft sanctions motion (0.6); research re Daubert motions (1.2).	T A103	1.80	300.00	540.00
07/20/2022	KHT	Prepare for Preliminary Injunction hearing.	T A101	3.70	300.00	1110.00
07/21/2022	KHT	Prepare for and attend Preliminary Injunction hearing.	T A109	9.00	300.00	2700.00
07/22/2022	KHT	Review Notice of Errata (0.2); email communications with J. LaRue re same (0.1).	T A103	0.30	300.00	90.00

08/01/2022	KHT	Email communications with SOS and T A103 Pima County counsel re Notice of Supplemental Authority (0.2); draft and edit same (1.6).	1.60	300.00	480.00
08/02/2022	KHT	Revise Notice of Supplemental Authority (0.2); attention to filing and service of same (0.2); draft Response to Motion to Supplement the Record (2.3).	2.70	300.00	810.00
08/26/2022	KHT	Review Order dismissing Complaint. T A104	1.90	300.00	570.00
09/16/2022	KHT	Review Notice of Appeal and 9th Circuit docketing letter. T A104	0.30	300.00	90.00
12/01/2022	KHT	Review Order awarding sanctions. T A104	1.10	300.00	330.00
Grand Total:			<hr/> 65.00		<hr/> \$19,500.00

EXHIBIT “5”

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MARICOPA COUNTY ATTORNEY

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Attorneys for the Defendant
Maricopa County Board of Supervisors

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF EMILY CRAIGER IN
SUPPORT OF DEFENDANT
MARICOPA COUNTY'S
APPLICATION FOR ATTORNEYS'
FEES**

(Honorable John J. Tuchi)

1 STATE OF ARIZONA)
2 County of Maricopa) ss.

3 Emily Craiger, being first duly sworn, states as follows:

4 1. I am attorney of record for Defendant the Maricopa County Board of
5 Supervisors (the “County”) in the above-captioned action and make these statements based
6 on my own personal knowledge and in support of the County’s concurrently filed
7 Application for Attorneys’ Fees (the “Application”).

8 2. I have been a member of the State Bar of Arizona since 2002 and my practice
9 focuses on election litigation and employment law. I am a partner with the law firm of The
10 Burgess Law Group.

11 3. I earned my law degree from the University of Iowa College of Law in 2002
12 and was admitted to practice law in Arizona that same year. In law school, I served as a
13 judicial extern for Eighth Circuit District Court Judge, the Honorable Michael J. Melloy.

14 4. Following graduation from Law School, I worked at the local law firms of
15 Ridenour, Hienton, Kelhoffer, Lewis & Garth, P.C. and Robbins & Green, P.A., until I
16 moved to the national law firm of Littler Mendelson, P.C., in 2004. During my time at these
17 three firms, I practiced in the area of civil litigation with a focus on employment law. I
18 litigated numerous cases in state and federal courts, as well as arguing before the Arizona
19 Court of Appeals and Ninth Circuit Court of Appeals. After practicing at Littler Mendelson
20 for nearly ten years, I left my Of Counsel position to work as a Senior Attorney in the Civil
21 Division of the Maricopa County Attorney’s Office (“MCAO”). While there, I continued
22 to litigate in federal and state courts. I was promoted to the Land Use & Transactional
23 and Government Advice Practice Group leader positions before moving into the Assistant
24 Division Chief position overseeing the Civil Division. Among other things, I worked closely
25 with the Board of Supervisors and other County elected officials, as well as leading the
26 election law team during the 2020 election. In 2022, I joined the Burgess Law Group as a
27 Partner. Here I have continued my active litigation practice.

5. In addition to this matter, I have defended Maricopa County in the following election-related cases:

- *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct., voluntarily dismissed, Nov. 7, 2020).

- *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint with prejudice)). Complaint alleged that poll workers induced voters to press the “green button” forcing their ballots to be tabulated even though they had overvoted certain contests, which would therefore not be counted. Superior Court dismissed the Complaint with prejudice after conducting an evidentiary hearing.

- *Arizona Republican Party v. Fontes*, No. CV2020-014553 (Maricopa Cty. Super. Ct., Min. Entry Order, Nov. 18, 2020 (dismissing Complaint with prejudice)). Complaint alleged that Maricopa County improperly conducted statutory hand count. The Superior Court dismissed the complaint with prejudice.

- *Aguilera v. Fontes II*, No. CV2020-014562 (Maricopa Cty. Super. Ct., Min. Entry, Nov. 29, 2020, (dismissing Complaint with prejudice)), *affirmed* No. 1 CA-CV 20-0688 EL, 2021 WL 2425918 (Ariz. Ct. App. Jun. 15, 2021). Complaint alleged that (1) “Sharpie” pens, provided by the County in polling locations, caused overvotes; (2) Arizona law requires “perfect” voting machines, and the County’s tabulation equipment could not guarantee “perfect” results; and, (3) the Elections Procedures Manual requires that the public must have physical access—not online stream—to the ballot tabulation center where ballots are counted. After conducting an evidentiary hearing, the Superior Court dismissed the Complaint with prejudice for failing to state a claim upon which relief can be granted, or alternatively, denied the relief sought because Plaintiffs failed to produce evidence demonstrating entitlement to same.

- *Stevenson v. Ducey*, No. CV2020-096490 (Maricopa Cty. Super. Ct., voluntarily dismissed December 7, 2020).

1 • *Ward v. Jackson*, No. CV2020-015285 (Maricopa Cty. Super. Ct., Min.
2 Entry Ruling, Dec. 4, 2020 (dismissing the Complaint with prejudice)), *affirmed* No. CV-
3 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct. 1381
4 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow proper
5 observation of signature verification for early ballot affidavit envelopes and so the verified
6 signatures were suspect, and (2) ballots needing to be duplicated were duplicated
7 erroneously. After conducting evidentiary hearing, the Superior Court denied the requested
8 relief, “confirming the election,” because the Court found that evidence did not show fraud,
9 misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona Supreme Court
10 “conclud[ed], unanimously, that . . . the challenge fails to present any evidence of
11 ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest
12 number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate
13 that would undermine the certainty of the election results.” *Ward v. Jackson*, No. CV-20-
14 0343-AP/EL, 2020 WL 8617817, at *2.

15 • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020
16 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged fraud
17 resulting from foreign interference in the election via offshore algorithms that somehow
18 infiltrated Maricopa County’s vote tabulation equipment, leading to “injections” of votes for
19 President-elect Biden, and ballot fraud. After reviewing the “evidence” submitted by the
20 plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to provide the Court
21 with factual support for their extraordinary claims[.]” 506 F. Supp.3d at 724.

22 • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,
23 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620
24 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint
25 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to dismiss
26 and the Arizona Supreme Court affirmed.

1 6. Filed as Exhibit 3 to the Application is a Task-Based Itemized Statement of
2 Attorneys' Fees. Exhibit 3 contains a detailed compilation of the legal time I devoted to the
3 County's defense of this action. Exhibit 3 is based on individual time entries I recorded on
4 a daily basis. The time records and description of tasks performed were regularly entered
5 into the firm's computerized accounting and billing system. Billings are generated from
6 the computerized system and Exhibit 3 accurately reflects the legal work performed on
7 behalf of the County.

8 7. My billing rate of \$400 per hour in connection with this matter is
9 commensurate with my education, experience and training. I am generally familiar with the
10 rates charged by other attorneys and law firms in this community with similar experience,
11 education and training, and the rate I charged for the time expended on this matter is
12 consistent with those rates.

13 8. The amount of attorneys' fees paid by the County as indicated by the attached
14 records is \$71,220.00 Said sum is fair and reasonable compensation in this county for the
15 nature of the service and the skill required in this action

16 9. I have personally reviewed my billing statements generated in this
17 representation and after evaluating the efforts necessary, I believe that the total sum of
18 reasonable and appropriate attorneys' fees related to my representation of the County comes
19 to \$71,220.00.

20 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the
21 foregoing is true and correct.

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28 //

1 FURTHER AFFIANT SAYETH NAUGHT
2

3 _____
4 Emily Craiger
5

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7
8 SUBSCRIBED AND SWORN to before me this _____ day of December, 2022.
9


10 _____
11 Notary Public
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13 Commission and Seal:
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1 FURTHER AFFIANT SAYETH NAUGHT

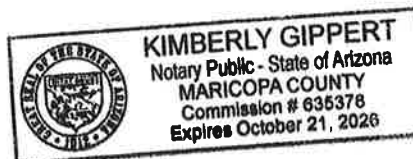
2
3 
4 Emily Craiger

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8 SUBSCRIBED AND SWORN to before me this 15TH day of December, 2022.

9
10 
11 Notary Public

12 Commission and Seal:

13 10/21/2022



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RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By: Thomas P. Liddy (019384)
Joseph J. Branco (031474)
Joseph E. LaRue (031348)
Karen J. Hartman-Tellez (021121)
Deputy County Attorneys
MCAO Firm No. 0003200

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hartmank@mcao.maricopa.gov
ca-civilmailbox@mcao.maricopa.gov

*Attorneys for the Defendant
Maricopa County Board of Supervisors*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF JOSEPH E. LA RUE
IN SUPPORT OF DEFENDANT
MARICOPA COUNTY'S
APPLICATION FOR ATTORNEYS
FEES**

(Honorable John J. Tuchi)

STATE OF ARIZONA

} ss.

County of Maricopa)

Joseph E. La Rue , being first duly sworn, states as follows:

1. I am attorney of record for Defendant the Maricopa County Board of Supervisors (the "County") in the above-captioned action and make these statements based on my own personal knowledge and in support of the County's concurrently filed Application for Attorneys' Fees (the "Application").

2. I graduated from Notre Dame Law School in 2006 and was admitted to practice in Ohio that same year. I was admitted to practice in Arizona in 2014. I have been practicing law continuously for sixteen years.

3. I have extensive election law experience, as explained in this Affidavit. Paragraphs 4-7 describe my experience chronologically. Paragraphs 8 and 9 provide a list of representative cases in which I have participated.

4. I was trained in election law by prominent election law attorney James Bopp, Jr., at The Bopp Law Firm. Following graduation from law school, I was employed at Graydon Head & Ritchey, a large, regional law firm headquartered in Cincinnati, Ohio, before accepting a position with the Bopp Law Firm in Terre Haute, Indiana in October, 2007.¹ The Bopp Law Firm is a boutique law firm specializing in election law. I had the opportunity to be trained by James ("Jim") Bopp, Jr., the lead attorney in the Firm. Mr. Bopp is regarded as one of the premier Republican election law attorneys in America.² In May, 2010, I was appointed to lead the Campaign Finance and Independent Expenditure

¹ The Firm's name when I joined it was *Bopp, Coleson & Bostrom*.

² See, e.g., Reuters, "The Echo Chamber: Influence at the Supreme Court" (Dec. 8, 2014), available at <https://www.reuters.com/investigates/special-report/scotus/> (recognizing Mr. Bopp as one of "an elite cadre of lawyers (that) has emerged as first among equals, giving their clients a disproportionate chance to influence the law of the land" by getting their clients' appeals heard by the Supreme Court at a remarkable rate); Mark Bennett, "Terre Haute's Jim Bopp Jr. a conservative titan," *The Washington Times* (June 29, 2014), available at <https://www.washingtontimes.com/news/2014/jun/29/terre-hautes-jim-bopp-jr-a-conservative-titan/#ixzz369d7Ykgt%20>; Viveca Novak, "Citizen Bopp," *The American Prospect* (Jan. 2, 2012), available at <https://prospect.org/power/citizen-bopp/> (noting that "Over the past 30 years, Bopp has been at the forefront of litigation strategies that have reshaped campaign-finance law inexorably"); Stephanie Mencimer, "The Man Behind Citizens United Is Just Getting Started," *Mother Jones* (May/June, 2011), available at <https://www.motherjones.com/politics/2011/05/james-bopp-citizens-united/>.

1 Practice Group at the Bopp Law Firm. In that role, I managed a group of attorneys whose
2 focus concerned advising and representing clients making independent expenditures,
3 including litigating cases concerning their constitutional right to engage in this type of
4 protected political speech.

5 5. I left the Bopp Law Firm in November, 2011 to become the Deputy General
6 Counsel for Friends of Herman Cain, Inc., which was Herman Cain's campaign for
7 president of the United States. I served in that position until January, 2012, when I joined
8 Newt 2012, Inc., Newt Gingrich's campaign for president of the United States, as Deputy
9 General Counsel.

10 6. From October, 2016 through December, 2019³, I served as the senior
11 election law attorney at the Arizona Attorney General's Office. In that capacity, I
12 provided advice and representation for election law matters to the Arizona Secretary of
13 State, the Arizona Elections Director, and the Citizens Clean Elections Commission.

14 7. In January 2020, I joined the Maricopa County Attorney's Office
15 ("MCAO") as a Senior Counsel in its Government Advice Practice Group, where I
16 continued my practice of election law. I am currently the Election Law Team Leader for
17 MCAO, responsible to oversee and lead the attorneys who work on election law matters.

18 8. I have been involved in a significant number of election law cases, including
19 the following: *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 640 F.3d 304 (8th
20 Cir. 2011), *reh'g en banc granted, opinion vacated* (July 12, 2011), *on reh'g en banc*, 692
21 F.3d 864 (8th Cir. 2012) (successful challenge to Minnesota political reporting
22 requirements for committees making independent expenditures); *Thalheimer v. City of*
23 *San Diego*, 645 F.3d 1109 (9th Cir. 2011) (successful challenge to contribution and
24 independent expenditure limits for political committees; first case to expand the holding
25 of *Citizens United v. Fed. Elec. Comm'n*, 130 S.Ct. 876 (2010), to recognize that
26

27 ³ I worked for a legal nonprofit from April, 2012 through October, 2016, where I
28 represented clients with first amendment free speech and freedom of religion concerns and
litigated cases involving those issues.

government cannot limit contributions to independent expenditure committees); *Fam. PAC v. McKenna*, 685 F.3d 800 (9th Cir. 2012) (ruled that law banning political committees from accepting contributions exceeding \$5,000 within 21 days of general election was unconstitutional as applied to ballot measure committees); *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018) (upheld Arizona law requiring in-precinct voting and banning ballot collection after ten-day bench trial)⁴; *Arizona Libertarian Party v. Hobbs*, 925 F.3d 1085 (9th Cir. 2019) (upheld Arizona ballot-access scheme, including signature requirements for ballot access, for recognized parties' candidates); *De La Fuente v. Arizona*, No. CV-16-02419-PHX-JZB, 2019 WL 2437300 (D. Ariz. June 11, 2019) (upheld Arizona ballot-access scheme, including signature requirements for ballot access, for independent candidates); *Isabel v. Reagan*, 394 F. Supp. 3d 966 (D. Ariz. 2019), *aff'd on other grounds*, 987 F.3d 1220 (9th Cir. 2021) (upheld Arizona's voter registration deadline against constitutional challenge);⁵ *Maricopa Cty. Libertarian Party v. Maricopa County*, No. CV2021-002205 (Maricopa Cty. Super. Ct., May 4, 2021 (granting motion to dismiss Complaint alleging Maricopa County unlawfully excluded the Libertarian Party from observing forensic audit of County's tabulation equipment)).

9. Additionally I have extensive experience with litigation defending Maricopa County's 2020 general election, including the following cases:

⁴ I was only involved in the bench trial and initial appeal, which is the portion to which I cited in this affidavit. The case continued after I left the Attorney General's Office. Ultimately, the United States Supreme Court agreed with the District Court's decision, which upheld the Arizona laws that I helped defend. The full citation for this matter is *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018), *on reh'g en banc sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020), *rev'd and remanded sub nom. Brnovich v. Democratic Nat'l Comm.*, 210 L. Ed. 2d 753, 141 S. Ct. 2321 (2021), *and rev'd and remanded sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020), *and rev'd and remanded sub nom. Brnovich v. Democratic Nat'l Comm.*, 210 L. Ed. 2d 753, 141 S. Ct. 2321 (2021), *and aff'd sub nom. Democratic Nat'l Comm. v. Hobbs*, 9 F.4th 1218 (9th Cir. 2021).

⁵ I represented the Secretary of State at the trial court, and represented Maricopa County and the Maricopa County Recorder at the Ninth Circuit Court of Appeals.

1 • *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct.,
2 voluntarily dismissed, Nov. 7, 2020).

3 • *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248
4 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint
5 with prejudice)). Complaint alleged that poll workers induced voters to press the “green
6 button” forcing their ballots to be tabulated even though they had overvoted certain
7 contests, which would therefore not be counted. Superior Court dismissed the Complaint
8 with prejudice after conducting an evidentiary hearing.

9 • *Arizona Republican Party v. Fontes*, No. CV2020-014553 (Maricopa Cty.
10 Super. Ct., Min. Entry Order, Nov. 18, 2020 (dismissing Complaint with prejudice)).
11 Complaint alleged that Maricopa County improperly conducted statutory hand count. The
12 Superior Court dismissed the complaint with prejudice.

13 • *Aguilera v. Fontes II*, No. CV2020-014562 (Maricopa Cty. Super. Ct.,
14 Min. Entry, Nov. 29, 2020, (dismissing Complaint with prejudice)), *affirmed* No. 1 CA-CV
15 20-0688 EL, 2021 WL 2425918 (Ariz. Ct. App. Jun. 15, 2021). Complaint alleged that (1)
16 “Sharpie” pens, provided by the County in polling locations, caused overvotes; (2) Arizona
17 law requires “perfect” voting machines, and the County’s tabulation equipment could not
18 guarantee “perfect” results; and, (3) the Elections Procedures Manual requires that the
19 public must have physical access—not online stream—to the ballot tabulation center where
20 ballots are counted. After conducting an evidentiary hearing, the Superior Court dismissed
21 the Complaint with prejudice for failing to state a claim upon which relief can be granted,
22 or alternatively, denied the relief sought because Plaintiffs failed to produce evidence
23 demonstrating entitlement to same.

24 • *Stevenson v. Ducey*, No. CV2020-096490 (Maricopa Cty. Super. Ct.,
25 voluntarily dismissed December 7, 2020).

26 • *Ward v. Jackson*, No. CV2020-015285 (Maricopa Cty. Super. Ct., Min.
27 Entry Ruling, Dec. 4, 2020 (dismissing the Complaint with prejudice)), *affirmed* No. CV-
28 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct.

1 1381 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow
2 proper observation of signature verification for early ballot affidavit envelopes and so the
3 verified signatures were suspect, and (2) ballots needing to be duplicated were duplicated
4 erroneously. After conducting evidentiary hearing, the Superior Court denied the
5 requested relief, “confirming the election,” because the Court found that evidence did not
6 show fraud, misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona
7 Supreme Court “conclud[ed], unanimously, that . . . the challenge fails to present any
8 evidence of ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive
9 the highest number of votes for office,’ let alone establish any degree of fraud or a
10 sufficient error rate that would undermine the certainty of the election results.” *Ward v.*
11 *Jackson*, No. CV-20-0343-AP/EL, 2020 WL 8617817, at *2.

12 • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020
13 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged
14 fraud resulting from foreign interference in the election via offshore algorithms that
15 somehow infiltrated Maricopa County’s vote tabulation equipment, leading to “injections”
16 of votes for President-elect Biden, and ballot fraud. After reviewing the “evidence”
17 submitted by the plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to
18 provide the Court with factual support for their extraordinary claims[.]” 506 F. Supp.3d at
19 724.

20 • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,
21 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620
22 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint
23 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to
24 dismiss and the Arizona Supreme Court affirmed.

25 10. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of
26 Attorneys’ Fees that includes my billing entries. Exhibit 4 contains a detailed compilation
27 of the legal time I devoted to the County’s defense of this action. Exhibit 4 is based on
28

1 individual time entries I recorded on a daily basis. The time records and description of
2 tasks performed were regularly entered into MCAO's computerized accounting system. I
3 am paid a salary by the County and am required to track my time for County internal
4 budgeting purposes. Billings are generated from the computerized system and Exhibit 4
5 accurately reflects the legal work I performed on behalf of the County.

6 11. My billing rate of \$300 per hour in connection with this is commensurate
7 with my education, experience and training. I am generally familiar with the rates charged
8 by other attorneys and law firms in this community with similar experience, education and
9 training, and the rate I charged for the time expended on this matter is consistent with
10 those rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of
11 \$300 per hour for the work of two Assistant Attorneys General in an action that arose
12 under the Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360,
13 367-68, ¶¶ 28-34 (App. 2015). Comparing the *City of Tempe* case with this matter, the
14 "difficulty and quality of the work performed, the experience and reputation of counsel,
15 and the nature and significance of the result" are comparable. *Id.*

16 12. The amount of attorneys' fees I billed as indicated by the attached records is
17 \$40,770.00 Said sum is fair and reasonable compensation in this county for the nature of
18 the service and the skill required in this action.

19 13. I have personally reviewed my billing statements generated in this
20 representation and after evaluating the efforts necessary, I believe that the total sum of
21 reasonable and appropriate attorneys' fees related to my representation of the County
22 comes to \$40,770.00.

23 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the
24 foregoing is true and correct.

25 FURTHER AFFIANT SAYETH NAUGHT

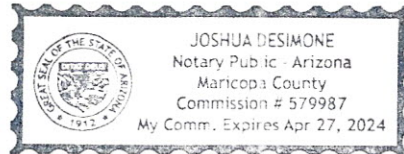
26 
27 Joseph E. La Rue
28

1
2 SUBSCRIBED AND SWORN to before me this 15th day of December, 2022.

3
4 Notary Public

5 Commission and Seal:

6 01/27/2024



Emily Craiger (Bar No. 021728)
emily@theburgesslawgroup.com
THE BURGESS LAW GROUP
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RACHEL H. MITCHELL
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ca-civilmailbox@mcao.maricopa.gov

Attorneys for the Defendant
Maricopa County Board of Supervisors

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

AFFIDAVIT OF KAREN J.
HARTMAN-TELLEZ IN SUPPORT OF
DEFENDANT MARICOPA COUNTY'S
APPLICATION FOR ATTORNEYS'
FEES

(Honorable John J. Tuchi)

Karen J. Hartman-Tellez, being first duly sworn, states as follows:

2. I am Senior Counsel in the Civil Division of the Maricopa County Attorney's Office. I was admitted to practice in 2001, following my graduation *magna cum laude* from Arizona State University College of Law. After law school, I completed a judicial clerkship for then-Vice Chief Justice Ruth V. McGregor on the Arizona Supreme Court

4. I have substantial experience in voting rights and election litigation in state and federal courts, including representing plaintiffs in *Gonzalez v. Arizona*, No. CV06-1268-PHX-ROS (aka *Purcell v. Gonzalez*, 549 U.S. 1 (2006) and *Inter Tribal Council of Ariz. v. Arizona*, 570 U.S. 1 (2013)) and the government defendants, including the Arizona Secretary of State, in *Feldman v. Arizona*, No. CV-16-01065-PHX-DLR (aka *Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824 (D. Ariz.), *aff'd*, 904 F.3d 686 (9th Cir. 2018) and *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021)). In both of those cases,

1 I participated in bench trials in the District of Arizona and proceedings in the Ninth Circuit
2 Court of Appeals and United States Supreme Court.

3 5. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of
4 Attorneys' Fees that includes my billing entries. Exhibit 4 contains a detailed compilation
5 of the legal time I devoted to the County's defense of this action. Exhibit 4 is based on
6 individual time entries I recorded on a daily basis. The time records and description of tasks
7 performed were regularly entered into MCAO's computerized accounting system. I am
8 paid a salary by the County and am required to track my time for County internal budgeting
9 purposes. Billings are generated from the computerized system and Exhibit 4 accurately
10 reflects the legal work I performed on behalf of the County.

11 6. My billing rate of \$300 per hour in connection with this is commensurate with
12 my education, experience, and training. I am generally familiar with the rates charged by
13 other attorneys and law firms in this community with similar experience, education, and
14 training, and the rate I charged for the time expended on this matter is consistent with those
15 rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of \$300 per
16 hour for the work of two Assistant Attorneys General in an action that arose under the
17 Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360, 367-68, ¶¶
18 28-34 (App. 2015). Those Assistant Attorneys General were my colleagues in the Arizona
19 Civil Rights Division and I was familiar with the work they did in that case. Comparing
20 the *City of Tempe* case with this matter, the "difficulty and quality of the work performed,
21 the experience and reputation of counsel, and the nature and significance of the result" are
22 comparable. *Id.*

23 7. The amount of attorneys' fees I billed as indicated by the attached records is
24 \$19,500.00 Said sum is fair and reasonable compensation in this county for the nature of
25 the service and the skill required in this action

26 8. I have personally reviewed my billing statements generated in this
27 representation and after evaluating the efforts necessary, I believe that the total sum of
28

1 reasonable and appropriate attorneys' fees related to my representation of the County comes
2 to \$19,500.00.

3 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the
4 foregoing is true and correct.

5 FURTHER AFFIANT SAYETH NAUGHT

6
7 
8 Karen J. Hartman-Tellez

9 SUBSCRIBED AND SWORN to before me this 15th day of December, 2022.

10 
11 Notary Public

12 Commission and Seal:



Emily Craiger (Bar No. 021728)
emily@theburgesslawgroup.com
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RACHEL H. MITCHELL
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Attorneys' for the Defendant
Maricopa County Board of Supervisors

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kari Lake and Mark Finchem,

Plaintiffs,

vs.

Kathleen Hobbs, et al.,

Defendants.

No. 2:22-cv-00677-JJT

**AFFIDAVIT OF THOMAS P. LIDDY
IN SUPPORT OF DEFENDANT
MARICOPA COUNTY'S
APPLICATION FOR ATTORNEYS
FEES**

(Honorable John J. Tuchi)

1 STATE OF ARIZONA)
2 County of Maricopa) ss.

3 Thomas P. Liddy , being first duly sworn, states as follows:

4 1. I am attorney of record for Defendant the Maricopa County Board of
5 Supervisors (the “County”) in the above-captioned action and make these statements based
6 on my own personal knowledge and in support of the County’s concurrently filed
7 Application for Attorneys’ Fees (the “Application”).

8 2. I am Chief of the Civil Division of the Maricopa County Attorney’s Office. I
9 was admitted to practice in 1992, following my graduation from Fordham Law School. I
10 am admitted to the bars of Arizona, New York, the District of Columbia and New Jersey
11 (inactive).

12 3. Before joining the Maricopa County Attorney’s Office, I practiced in the area
13 of civil litigation, with a focus on constitutional and media law, at the law firm Collier,
14 Shannon, Rill & Scott in Washington, D.C. In 1995, I was appointed Deputy Counsel for
15 the Republican National Committee where I practiced election law, campaign finance law,
16 constitutional law and civil litigation. I was admitted to practice in Arizona in 1999,
17 working in the area of tort defense and other civil litigation.

18 4. I have substantial experience in election law practice, including litigation, in
19 state and federal courts, including representing candidates in the U.S. House of
20 Representatives contest in Pennsylvania (*Fox vs. Hoeffel*); U.S. Senate contest in Nevada
21 (*Ensign vs. Reid*), U.S. House of Representatives and Presidential contests in New Mexico
22 (*Wilson vs. Kelly*); (*Bush vs. Gore*) and in 2008 in Hawaii and Washington for Senator John
23 S. McCain’s presidential campaign. In addition, I have represented numerous Maricopa
24 County officials in election litigation from 2008 to present, including:

25 • *Aguilera v. Fontes*, No. CV2020-014083 (Maricopa Cty. Super. Ct.,
26 voluntarily dismissed, Nov. 7, 2020).

27 • *Donald J. Trump for President, Inc. v. Hobbs*, No. CV2020-014248
28 (Maricopa Cty. Super. Ct., Min. Entry Order, November 13, 2020 (dismissing Complaint

1 with prejudice)). Complaint alleged that poll workers induced voters to press the “green
 2 button” forcing their ballots to be tabulated even though they had overvoted certain contests,
 3 which would therefore not be counted. Superior Court dismissed the Complaint with
 4 prejudice after conducting an evidentiary hearing.

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 13 law requires “perfect” voting machines, and the County’s tabulation equipment could not
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 15 must have physical access—not online stream—to the ballot tabulation center where ballots
 16 are counted. After conducting an evidentiary hearing, the Superior Court dismissed the
 17 Complaint with prejudice for failing to state a claim upon which relief can be granted, or
 18 alternatively, denied the relief sought because Plaintiffs failed to produce evidence
 19 demonstrating entitlement to same.

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 24 20-0343-AP/EL (Ariz. S. Ct. Dec. 8, 2020), *cert. denied*, 209 L. Ed. 2d 125, 141 S. Ct. 1381
 25 (2021). Complaint alleged that (1) the Maricopa County Recorder did not allow proper
 26 observation of signature verification for early ballot affidavit envelopes and so the verified
 27 signatures were suspect, and (2) ballots needing to be duplicated were duplicated
 28 erroneously. After conducting evidentiary hearing, the Superior Court denied the requested

1 relief, “confirming the election,” because the Court found that evidence did not show fraud,
 2 misconduct, illegal votes, or erroneous vote count. On appeal, the Arizona Supreme Court
 3 “conclud[ed], unanimously, that the challenge fails to present any evidence of
 4 ‘misconduct,’ ‘illegal votes’ or that the Biden Electors ‘did not in fact receive the highest
 5 number of votes for office,’ let alone establish any degree of fraud or a sufficient error rate
 6 that would undermine the certainty of the election results.” *Ward v. Jackson*, No. CV-20-
 7 0343-AP/EL, 2020 WL 8617817, at *2.

8 • *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 506 F.Supp.3d 699, 2020
 9 WL 7238261 (D. Ariz. Dec. 9, 2020 (granting motion to dismiss)). Complaint alleged fraud
 10 resulting from foreign interference in the election via offshore algorithms that somehow
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 12 President-elect Biden, and ballot fraud. After reviewing the “evidence” submitted by the
 13 plaintiffs, the Court dismissed the case, ruling that the “Plaintiffs failed to provide the Court
 14 with factual support for their extraordinary claims[.]” 506 F. Supp.3d at 724.

15 • *Burk v. Ducey*, No. S1100CV202001869 (Pinal Cnty. Sup. Ct. Dec. 15,
 16 2020 (granting motion to dismiss)), *affirmed* No. CV-20-0349-AP/EL, 2021 WL 1380620
 17 (Ariz. Jan. 6, 2021), *cert. denied*, 209 L. Ed. 2d 735, 141 S. Ct. 2600 (2021). Complaint
 18 alleged similar fraud as *Bowyer v. Ducey*. The Superior Court granted the motion to dismiss
 19 and the Arizona Supreme Court affirmed.

20 5. Filed as Exhibit 4 to the Application is a Task-Based Itemized Statement of
 21 Attorneys’ Fees that includes a detailed compilation of some of the legal time I devoted to
 22 the County’s defense of this action. Although I am salaried and as Division Chief, I am not
 23 required to track my time in the County Attorney’s time-keeping software, Exhibit 4
 24 accurately reflects the legal work I performed on behalf of the County. I kept track of my
 25 time in Outlook in part by using my e-mail and calendar.

26 6. My billing rate of \$300 per hour in connection with this is commensurate with
 27 my education, experience and training. I am generally familiar with the rates charged by
 28

1 other attorneys and law firms in this community with similar experience, education and
 2 training, and the rate I charged for the time expended on this matter is consistent with those
 3 rates. In addition, the Arizona Court of Appeals approved as reasonable a rate of \$300 per
 4 hour for the work of two Assistant Attorneys General in an action that arose under the
 5 Arizona Fair Housing Act in 2015. *See City of Tempe v. State*, 237 Ariz. 360, 367-68, ¶¶
 6 28-34 (App. 2015). Comparing the *City of Tempe* case with this matter, the “difficulty and
 7 quality of the work performed, the experience and reputation of counsel, and the nature and
 8 significance of the result” are comparable. *Id.*

9 7. The amount of attorneys’ fees I billed as indicated by the attached records is
 10 \$10,200.00 Said sum is fair and reasonable compensation in this county for the nature of
 11 the service and the skill required in this action

12 8. I have personally reviewed my billing statements generated in this
 13 representation and after evaluating the efforts necessary, I believe that the total sum of
 14 reasonable and appropriate attorneys’ fees related to my representation of the County comes
 15 to \$10,200.00.

16 Pursuant to Ariz.R.Civ.P. 80(i), I declare that under penalty of perjury that the
 17 foregoing is true and correct.

18 FURTHER AFFLANT SAYETH NAUGHT

19
 20 
 Thomas P. Liddy

21
 22 SUBSCRIBED AND SWORN to before me this 15th day of December, 2022.

23
 24 
 Notary Public

25 Commission and Seal:



PCL XL error

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Kari Lake and Mark Finchem,

10 Plaintiffs,

11 vs.

12 Kathleen Hobbs, et al.,

13 Defendants.
14

No. 2:22-cv-00677-JJT

**[PROPOSED] ORDER GRANTING
MARICOPA COUNTY DEFENDANTS'
APPLICATION FOR ATTORNEYS'
FEES**

(Honorable John J. Tuchi)

15 THIS MATTER COMES BEFORE THE COURT pursuant to *Maricopa County*
16 *Defendants' Application For Attorneys' Fees* ("Application") filed by the Maricopa
17 County Board of Supervisors ("Defendants"). The Court, having reviewed the Application,
18 and for good cause appearing,

19 IT IS HEREBY ORDERED that the Defendants are awarded \$141,690.00 to be
20 paid by counsel for Plaintiffs to the Maricopa County Attorney's Office no later than two
21 weeks from the date of this Order.
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