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

19 **IN AND FOR THE COUNTY OF MARICOPA**

20 KARI LAKE FOR ARIZONA, an
21 Arizona political committee,

22 Plaintiffs,

23 vs.

24 STEPHEN RICHER, *et al.*,

25 Defendants.

No. CV2022-015519

ANSWER

(Honorable Scott Blaney)

26 Pursuant to Ariz. R. Civ. P. 8(c)-(d) and 12(a)-(b), Defendants Maricopa County
27 Recorder Stephen Richer, Co-Directors of Elections Rey Valenzuela and Scott Jarrett,
28

1 Maricopa County Supervisors Bill Gates, Clint Hickman, Jack Sellers, Thomas Galvin, and
2 Steve Gallardo, and Maricopa County (together, “Recorder Richer and Maricopa County”)
3 ANSWER Plaintiff’s Complaint as follows.

4 **PREFATORY STATEMENT**

5 This lawsuit is a statutory special action brought pursuant to the Arizona Public
6 Records Act, A.R.S. § 39-121, *et seq.* [Cmplt. at 2 (first sentence of the Complaint).] *See*
7 *also* Cmplt., ¶¶ 63-64 (alleging that the “Defendants have not produced or made available to
8 Plaintiff the public records” and this constitutes a “failure to promptly produce the requested
9 documents”).] The Complaint has only one Count, which Plaintiff titles, “Special Action
10 Relief to Compel Prompt Production of Public Records.” [Cmplt. at 16 (Count I).] The only
11 identified relief that Plaintiff seeks is a writ of mandamus to compel Recorder Richer and
12 Maricopa County to “immediately” produce public records requested in two public records
13 requests. [Cmplt. at 18 (Prayer for Relief).] The Court recognized this fact, stating: “The
14 Court notes that the present case is not an election challenge; it is a statutory special action
15 to compel the prompt production of records from the election.” [Minute Entry, “Hearing
16 Set,” December 1, 2022, at 2.]

17 Despite that, the factual averments contain many inappropriate and inflammatory
18 claims about Recorder Richer and Maricopa County that have nothing to do with the alleged
19 denial of public records that Plaintiff asserts. Indeed, this Court recognized that Plaintiff’s
20 “allegations of election irregularities . . . are not before this Court.” [*Id.*]

21 Accordingly, those factual averments should be stricken from the record pursuant to
22 Ariz. R. Civ. P. 12(f)(2). A motion to strike is filed contemporaneously with this Answer.

23 For the Answer, all allegations not specifically admitted are deemed denied.

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ANSWER

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1. The cited authority speaks for itself, and no further answer is required.
2. ADMIT¹ that plaintiff’s attorney submitted two public records requests, which are Exhibits 1 and 2 to the Complaint. LACK KNOWLEDGE OR INFORMATION SUFFICIENT to form belief as to whether the requested records “are necessary for Plaintiff to determine the full extent of the problems identified and their impact on electors” and so DENY the same. DENY all other allegations in paragraph 2.
3. DENY that there has been an “unlawful failure” by Recorder Richer and Maricopa County “to produce the records.” The remainder of paragraph 3 asserts legal conclusions to which no response is required.
4. DENY all factual allegations of paragraph 4. To the extent Plaintiff intends paragraph 4 to be read as legal argument or legal conclusion, no response is required.
5. DENY all factual allegations of paragraph 5. To the extent Plaintiff intends paragraph 5 to be read as legal argument or legal conclusion, no response is required.
6. DENY that this Court has jurisdiction.
7. ADMIT that venue would be appropriate if the Court had jurisdiction.
8. LACK KNOWLEDGE OR INFORMATION SUFFICIENT to form belief as to truth of the allegations of paragraph 8 and so DENY the same.
9. DENY that Recorder Richer is “the officer in charge of elections.” ADMIT the remaining allegations contained in paragraph 9.
10. ADMIT.
11. ADMIT.
12. ADMIT.
13. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 13 in their contemporaneously filed Motion to Strike because it is immaterial to the issues raised

¹ Throughout this Answer, Recorder Richer and Maricopa County together “ADMIT,” “DENY,” or “LACK KNOWLEDGE OR INFORMATION SUFFICIENT” to form a belief as to the various allegations.

1 in this statutory special action under A.R.S. § 39-121.02.

2 14. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 14 in
3 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
4 in this statutory special action under A.R.S. § 39-121.02.

5 15. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 15 in
6 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
7 in this statutory special action under A.R.S. § 39-121.02.

8 16. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 16 in
9 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
10 in this statutory special action under A.R.S. § 39-121.02.

11 17. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 17,
12 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
13 Motion to Strike because they are immaterial to the issues raised in this statutory special
14 action under A.R.S. § 39-121.02.

15 18. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 18,
16 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
17 Motion to Strike because they are immaterial to the issues raised in this statutory special
18 action under A.R.S. § 39-121.02.

19 19. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 19,
20 along with the Exhibit referenced in this paragraph, in their contemporaneously filed Motion
21 to Strike because they are immaterial to the issues raised in this statutory special action under
22 A.R.S. § 39-121.02.

23 20. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 20,
24 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
25 Motion to Strike because they are immaterial to the issues raised in this statutory special
26 action under A.R.S. § 39-121.02.

27 21. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 21,
28 along with the Exhibits referenced in this paragraph, in their contemporaneously filed

1 Motion to Strike because they are immaterial to the issues raised in this statutory special
2 action under A.R.S. § 39-121.02.

3 22. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 22,
4 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
5 Motion to Strike because they are immaterial to the issues raised in this statutory special
6 action under A.R.S. § 39-121.02.

7 23. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 23
8 because it is immaterial to the issues raised in this statutory special action under A.R.S. §
9 39-121.02.

10 24. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 24,
11 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
12 Motion to Strike because they are immaterial to the issues raised in this statutory special
13 action under A.R.S. § 39-121.02.

14 25. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 25,
15 along with the Exhibit referenced in this paragraph, in their contemporaneously filed Motion
16 to Strike because they are immaterial to the issues raised in this statutory special action under
17 A.R.S. § 39-121.02.

18 26. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 26,
19 along with the Exhibit referenced in this paragraph, in their contemporaneously filed Motion
20 to Strike because they are immaterial to the issues raised in this statutory special action under
21 A.R.S. § 39-121.02.

22 27. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 27,
23 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
24 Motion to Strike because they are immaterial to the issues raised in this statutory special
25 action under A.R.S. § 39-121.02.

26 28. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 28,
27 along with the Exhibit referenced in this paragraph, in their contemporaneously filed Motion
28 to Strike because they are immaterial to the issues raised in this statutory special action under

1 A.R.S. § 39-121.02.

2 29. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 29,
3 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
4 Motion to Strike because they are immaterial to the issues raised in this statutory special
5 action under A.R.S. § 39-121.02.

6 30. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 30 in
7 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
8 in this statutory special action under A.R.S. § 39-121.02.

9 31. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 29,
10 along with the Exhibits referenced in this paragraph, in their contemporaneously filed
11 Motion to Strike because they are immaterial to the issues raised in this statutory special
12 action under A.R.S. § 39-121.02.

13 32. DENY that Recorder Richer and Maricopa County have refused to respond
14 to the public records requests at issue in this lawsuit. MOVE TO STRIKE the remaining
15 allegations in this paragraph in their contemporaneously filed Motion to Strike because they
16 are immaterial to the issues raised in this statutory special action under A.R.S. § 39-121.02.

17 33. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 33 in
18 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
19 in this statutory special action under A.R.S. § 39-121.02.

20 34. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 33
21 because it is immaterial to the issues raised in this statutory special action under A.R.S. §
22 39-121.02.

23 35. ADMIT.

24 36. ADMIT.

25 37. ADMIT the allegations in paragraph 37 were true at the time the Complaint
26 was filed.

27 38. ADMIT that the “Second Records Request” was submitted on November 16,
28 2022, and that it requested the records identified in this paragraph. DENY that Plaintiff

1 submitted it.

2 39. ADMIT.

3 40. ADMIT that the Second Records Request identified reasons that it was sent.
4 DENY that the identification of those reasons “put[] Defendants on notice that the
5 circumstances demanded they provide an immediate response.” FURTHER
6 AFFRIMATIVELY STATE that the public records law does not work that way.

7 41. ADMIT that the allegations in paragraph 41 were true at the time the
8 Complaint was filed.

9 42. The cited authority speaks for itself and no further response is required.

10 43. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 43
11 because it is immaterial to the issues raised in this statutory special action under A.R.S. §
12 39-121.02.

13 44. LACK KNOWLEDGE OR INFORMATION SUFFICIENT to form belief as
14 to the truth of the allegations contained in this paragraph and so DENY the same.

15 45. This paragraph states a legal conclusion but applies it to the facts alleged in
16 the Complaint. Pursuant to the requirements set forth in Rule 8, Ariz. R. Civ. P., Recorder
17 Richer and Maricopa County DENY that the public records law requires them to produce
18 records prior to the canvass of the election where, as here, such a quick response time is not
19 required by the “promptly” standard under the public records law. Recorder Richer and
20 Maricopa County further DENY that there were any “deficiencies” that needed to “be
21 remedied before canvassing of the 2022 general election.”

22 46. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 46,
23 along with the Exhibit referenced in this paragraph, in their contemporaneously filed Motion
24 to Strike because they are immaterial to the issues raised in this statutory special action under
25 A.R.S. § 39-121.02.

26 47. Recorder Richer and Maricopa County MOVE TO STRIKE paragraph 47 in
27 their contemporaneously filed Motion to Strike because it is immaterial to the issues raised
28 in this statutory special action under A.R.S. § 39-121.02.

1 48. DENY.

2 49. DENY.

3 **COUNT I**

4 50. Recorder Richer and Maricopa County incorporate by reference all foregoing
5 answers and responses as if fully set forth herein.

6 51. The cited authority speaks for itself and no further response is required.

7 52. The cited authority speaks for itself and no further response is required.

8 53. The cited authority speaks for itself and no further response is required.

9 54. The cited authority speaks for itself and no further response is required.

10 55. The cited authority speaks for itself and no further response is required.

11 56. The cited authority speaks for itself and no further response is required.

12 57. The cited authority speaks for itself and no further response is required.

13 58. The cited authority speaks for itself and no further response is required.

14 59. The cited authority speaks for itself and no further response is required.

15 60. The cited authority speaks for itself and no further response is required. To
16 the extent that Plaintiff sets forth a legal conclusion in this paragraph, no response is
17 required.

18 61. ADMIT.

19 62. ADMIT.

20 63. ADMIT that the allegations in paragraph 63 were true at the time the
21 Complaint was filed.

22 64. DENY.

23 65. The allegations of this paragraph set forth a legal conclusion to which no
24 response is required.

25 **AFFIRMATIVE DEFENSES**

26 1. This Court lacks subject matter jurisdiction.

27 2. Plaintiff has failed to state a claim upon which relief can be granted.

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RESPECTFULLY SUBMITTED this 4th day of December, 2022.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

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ORIGINAL of the foregoing E-FILED
this 4th day of December, 2022 with
AZTURBOCOURT, and copies e-served / emailed to:

HONORABLE SCOTT BLANEY
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