

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2020-014553

11/18/2020

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT

A. Walker

Deputy

ARIZONA REPUBLICAN PARTY

JOHN DOUGLAS WILENCHIK

v.

ADRIAN FONTES, et al.

JOSEPH EUGENE LA RUE

EMILY M CRAIGER

JOSEPH I VIGIL

THOMAS PURCELL LIDDY

SARAH R GONSKI

DANIEL A ARELLANO

ROOPALI HARDIN DESAI

KRISTIN ARREDONDO

COURT ADMIN-CIVIL-ARB DESK

DOCKET-CIVIL-CCC

MINUTE ENTRY

Courtroom ECB 811

3:27 p.m. This is the time set for an Oral Argument regarding Intervenor Arizona Secretary of State Katie Hobbs' Motion to Dismiss, filed November 16, 2020, Intervenor Arizona Democratic Party's Motion to Dismiss Plaintiff's Complaint, filed November 16, 2020, Plaintiff's Motion for Leave to File an Amend Complaint, filed November 16, 2020 and Plaintiff's Application for Preliminary Injunction, filed November 16, 2020. Plaintiff, Arizona Republican Party, is represented by counsel, John D. Wilenchik. Defendant, Adrian Fontes (in his official capacity as Maricopa County Reporter) and Defendants Jack Sellers; Steve Chucuri; Clint Hickman;

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Bill Gates and Steve Gallardo (in their official capacities as member of the Board of Supervisors for Maricopa County), are represented by counsel, Joseph E. LaRue, Emily Craiger, Thomas P. Liddy and Joseph I. Vigil. Intervenor, Secretary of State Katie Hobbs (in her official capacity as Arizona Secretary of State), is represented by counsel, Roopali Desai and Kristen Yost. Intervenor, Arizona Democratic Party, is represented by counsel, Sarah R. Gonski and Daniel A. Arellano. All parties appear via the GoToMeeting platform.

Court Reporter, Teri Veres, is present and a record of the proceedings is also made digitally.

Argument is presented.

3:59 p.m. The Court stands at recess.

4:04 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Teri Veres, is present and a record of the proceedings is also made digitally.

Additional argument is presented.

**IT IS ORDERED** taking this matter under advisement.

4:31 p.m. Matter concludes.

**LATER:**

The Court has read all of the parties' filings in this matter, considered the oral arguments of counsel, and reviewed public records addressing matters in the complaint.<sup>1</sup> On that record,

**IT IS ORDERED** the motions to dismiss, by the Maricopa County defendants and the intervenors Secretary of State Katie Hobbs and Arizona Democratic Party, are granted. The plaintiff's Verified Complaint will be dismissed with prejudice.

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<sup>1</sup> A court may consider public records addressing matters in a complaint without converting a Rule 12(b)(6) motion to dismiss into one for summary judgment. *See Coleman v. City of Mesa*, 230 Ariz. 352, 356, 284 P.3d 863, ¶ 9 (2012).

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**IT IS FURTHER ORDERED** the plaintiff's Application for Preliminary Injunction, to enjoin the Maricopa County Board of Supervisors from certifying the election results and issuing the official canvass, is denied. The motion to amend the complaint is denied as futile.

**IT IS FURTHER ORDERED** that the Secretary of State may file a motion for attorneys' fees pursuant to A.R.S. section 12-349 not later than December 7, 2020.

A minute entry order explaining the Court's decision will follow shortly.