

Court of Appeals, Division One

Civil Accelerated Appeal - Rule 29

1 CA-CV 22-0779

LAKE v. HOBBS, et al.

Appellate Case Information

Case Filed: 30-Dec-2022

Case Closed: 28-Mar-2023

Decision

Dept/Composition

Department A

Hon. Maria Elena Cruz

Hon. Peter B Swann

Hon. Kent E Cattani

Consolidated with: 1 CA-SA 22-0237

Side 1. KARI LAKE, Plaintiff/Appellant

(Litigant Group) LAKE

- Kari Lake

Attorneys for: Plaintiff/Appellant

Bryan James Blehm, Esq. (AZ Bar No. 23891)

Kurt Olsen, Esq. (DC Bar No. 445279)

Side 2. KATIE HOBBS, et al., Defendant/Appellee

(Litigant Group) HOBBS (Personally as Contestee)

- Katie Hobbs

Attorneys for: Dfndnt/Appellee Hobbs As Contestee

Alexis E Danneman, Esq. (AZ Bar No. 30478)

Abha Khanna, Esq. (WA Bar No. 42612)

Lalitha D Madduri, Esq. (DC Bar No. 1659412)

Christina Ford, Esq. (DC Bar No. 1655542)

Elena Rodriguez Armenta, Esq. (NY Bar No. 5708367)

(Litigant Group) FONTES (as Secretary of State)

- Adrian P Fontes
AZ Bar No. 22162
[Current Member]

Attorney for: Dfndnt/Applee Fontes as Sec of St

D Andrew Gaona, Esq. (AZ Bar No. 28414)

Gregory W Falls, Esq. (AZ Bar No. 11206)

Shayna Gabrielle Stuart, Esq. (AZ Bar No. 34819)

Jake Tyler Rapp, Esq. (AZ Bar No. 36208)

Craig A Morgan, Esq. (AZ Bar No. 23373)

(Litigant Group) RICHER et al.

- Stephen I Richer
AZ Bar No. 32934
[Current Member]
- Bill Gates
- Clint L Hickman
- Jack Sellers
- Thomas Galvin
- Steve Gallardo
- Scott Jarrett
- Maricopa County Board of Supervisors

Attorneys for: Defendants/Appellees Richer et al.

Thomas P Liddy, Esq. (AZ Bar No. 19384)

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Sean M Moore, Esq. (AZ Bar No. 31621)

Rosa Aguilar, Esq. (AZ Bar No. 37774)

Emily M Craiger, Esq. (AZ Bar No. 21728)

Side 3. DAVID MAST, Amicus Curiae

(Litigant Group) DAVID MAST

- David Mast

Attorneys for: Amicus Curiae

Veronica Lucero, Esq. (AZ Bar No. 30292)

Arno Naeckel, Esq. (AZ Bar No. 26158)

Side 4. PAUL ANDREW MITCHELL, Intervenor

(Litigant Group) PAUL ANDREW MITCHELL [DENIED PER ORDER FILED 01/27/2023]

- Paul Andrew Mitchell

PRO SE

Side 5. MARK MARVIN, Intervenor

(Litigant Group) MARK MARVIN [DENIED PER ORDER FILED 02/09/2023]

- Mark Marvin

PRO SE

Court of Appeals, Division One

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1 CA-CV 22-0779

LAKE v. HOBBS, et al.

CASE STATUS

Mar 28, 2023....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-095403	Verified Statement of Election Contest Pursuant to ARS 16-672		Peter A Thompson, Authoring Judge of Order		

DESCENDENT CASE(S)	
ASC CV-23-0046-PR	
ASC T-22-0010-CV	
ASC T-23-0001-CV	

CASE DECISION

16-Feb-2023 OPINION

Kent Cattani.....Author
 Maria Cruz.....Concur
 Peter Swann.....Concur

Filed: 16-Feb-2023 Mandate:

Decision Disposition
Affirmed
Relief Denied

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-SA 22-0237 LAKE v. HON THOMPSON et al.

57 PROCEEDING ENTRIES

- 30-Dec-2022 FILED: Index of Record, Notice of Appeal filed in Superior Court of Maricopa County 12/27/22
- 30-Dec-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 30-Dec-2022 FILED: Record on Appeal: Combined Instruments/Minute Entries e-Exhibits: Hearing Date 12/21/22 - List and #2, 17, 20, 33, 46, 47, 52, 53, 54, 58, 60, 63, 65, 66, 67, 69, 70, 75, 76, 82, 85, 91, 102
- 30-Dec-2022 FILED: Physical Exhibit: Hearing Date 12/21/22 - List and #120 in manila envelope
- 30-Dec-2022 FILED: Petition for Special Action; Certificate of Compliance; Contact information Sheet (Petitioner)
- 30-Dec-2022 FILED: Appendix to Petition for Special Action (Petitioner)
- 31-Dec-2022 FILED: Motion for Leave to File Amicus Curiae Brief of David Mast in Support of Kari Lake's Petition for Special Action; Certificate of Service (Amicus Curiae)
- 31-Dec-2022 FILED: Brief of Amicus Curiae David Mast; Certificate of Compliance; Certificate of Service (Amicus Curiae)
- 3-Jan-2023 FILED: Notice of Automatic Substitution of Public Officer; Certificate of Service (Appellee Fontes)
- 3-Jan-2023 FILED: Application for Leave to Intervene (Applicant Mitchell)
- 4-Jan-2023 FILED: ASC Order filed 01/04/2023 re: denying the Petition to Transfer both the appeal and the petition for special action without prejudice to seeking expedited review of an adverse decision in either proceeding
- 6-Jan-2023 FILED: Reporter's Transcript - 12/21/2022 - Bench Trial - Day 1 (Robin Lawlor) (Appellant)
- 6-Jan-2023 FILED: Reporter's Transcript - 12/22/2022 - Bench Trial - Day 2 (Robin Lawlor) (Appellant)
- 9-Jan-2023 FILED: (Untitled) Notice of Filing Fee Payment & Copy of Application for Leave to Intervene (Intervenor Pro Per)
- 9-Jan-2023 RECEIPT No.: 2023-00033 ; \$140.00, Authorization: #28475006602, Applied to: ROBERT MARQUES - Class B Filing Fee (\$140.00) Paid for: ROBERT MARQUES - By ROBERT MARQUES

Court of Appeals, Division One**Civil Accelerated Appeal - Rule 29****1 CA-CV 22-0779****LAKE v. HOBBS, et al.****57 PROCEEDING ENTRIES**

16. 9-Jan-2023 ORDERED: Petition for Special Action (Petitioner) = JURISDICTION ACCEPTED. FURTHER ORDERED: consolidating cases 1 CA-CV 22-0779 and 1 CA-SA 22-0237. FURTHER ORDERED: Consolidated case remain assigned to Department A. FURTHER ORDERED: Designating petition for special action filed in SA 22-0237 as Plaintiff/Appellant/Petitioner's opening Brief. FURTHER ORDERED: vacating the deadlines and conference date in this court's Order Setting Dates filed 1/3/23 and setting an expedited briefing schedule as follows: Answering Brief(s) due 1/17/23; Reply Brief due 1/24/23; additional requests to file amicus curiae due by 1/26/23. FURTHER ORDERED: resetting this matter for conference on 2/1/23. FURTHER ORDERED: waiving other procedural requirements inconsistent with the expedited briefing schedule. Financial obligations remain intact. Hon Maria Elena Cruz & Hon Kent E Cattani - Authors
17. 9-Jan-2023 FILED: Memorandum: Chief Judge Cattani for Judge Paton (Chief Judge Cattani)
18. 11-Jan-2023 RECEIPT No.: 2023-00042 ; \$280.00, Authorization: #11005646726, Applied to: LAKE - Class A Filing Fee (\$280.00) Paid for: Blehm Law PLLC - By nCourt LLC
19. 17-Jan-2023 FILED: Answering Brief of Maricopa County Defendants; Certificate of Compliance; Certificate of Service (Appellee Richer)
20. 17-Jan-2023 FILED: Arizona Secretary of State Adrian Fontes' Joinder; Certificate of Service (Appellee Fontes)
21. 17-Jan-2023 FILED: Defendant-Appellee Hobbs's Answering Brief and Opposition to Special Action Petition; Certificate of Compliance; Certificate of Service (Appellee Hobbs)
22. 17-Jan-2023 FILED: Defendant-Appellee Hobbs's Answering Brief and Opposition to Special Action Petition Appendix (Appellee Hobbs)
23. 18-Jan-2023 RECEIPT No.: 2023-00061 ; \$140.00, Authorization: #28475006602, Applied to: PAUL ANDREW MITCHELL - Class B Filing Fee (\$140.00) Paid for: ROBERT MARQUES - By nCourt LLC (Memo: X-Ref: 2023-00033)
24. 18-Jan-2023 VOID RECEIPT No.: 2023-00033 - \$-140.00, Authorization: #28475006602, - Applied to: ROBERT MARQUES - Class B Filing Fee (\$-140.00) Paid for: ROBERT MARQUES - By: ROBERT MARQUES VOID Reason: incorrect litigant group- X-ref 2023-00061 aa
25. 19-Jan-2023 RECEIPT No.: 2023-00069 ; \$140.00, Authorization: #28475006602, Applied to: PAUL ANDREW MITCHELL - Class B Filing Fee (\$140.00) Paid for: - By ROBERT MARQUES (Memo: X-Ref: 2023-00061 & 2023-00033)
26. 19-Jan-2023 VOID RECEIPT No.: 2023-00061 - \$-140.00, Authorization: #28475006602, - Applied to: PAUL ANDREW MITCHELL - Class B Filing Fee (\$-140.00) Paid for: ROBERT MARQUES - By: nCourt LLC (Memo: X-Ref: 2023-00033) VOID Reason: x-ref 2023-00069 incorrect payment method.alc
27. 23-Jan-2023 RECEIPT No.: 2023-00081 ; \$140.00, Authorization: #23007934163, Applied to: HOBBS (Personally as Contestee) - Class B Filing Fee (\$140.00) Paid for: Perkins Coie LLP - By nCourt LLC
28. 24-Jan-2023 FILED: Reply Brief of Appellant-Petitioner Kari Lake; Certificate of Compliance; Certificate of Service (Appellant)
29. 24-Jan-2023 FILED: Supplemental Appendix to Reply Brief of Appellant-Petitioner Kari Lake (Appellant)
30. 24-Jan-2023 FILED: Motion for a Procedural Order Enlarging the Word Count for Reply Brief; Certificate of Service (Appellant)
31. 25-Jan-2023 FILED: Motion for a Procedural Order Accelerating Consolidated Appeal and Special Action; Certificate of Service (Appellant)
32. 25-Jan-2023 ORDERED: Motion for a Procedural Order Enlarging the Word Count for Reply Brief (Appellant) = GRANTED by 1350 words. Hon Maria Elena Cruz - Author
33. 25-Jan-2023 FILED: ASC Order filed 01/25/2023 re: denying the Petition for Transfer without prejudice to seeking expedited review of an adverse decision after the Court of Appeals has had an adequate opportunity to consider the pleadings, conference the matter, and prepare a well-considered decision
34. 27-Jan-2023 ORDERED: Application for Leave to Intervene (Applicant Mitchell) = DENIED. Hon Maria Elena Cruz - Author
35. 27-Jan-2023 ORDERED: Motion for Leave to File Amicus Curiae Brief of David Mast in Support of Kari Lake's Petition for Special Action (Amicus Curiae) = GRANTED and accepting the amicus curiae brief of David Mast. FURTHER ORDERED: Any party may file a response to the brief by 01/31/2023. Hon Maria Elena Cruz - Author
36. 27-Jan-2023 ORDERED: Amending the caption as stated above. (See Order). Hon Maria Elena Cruz - Author
37. 27-Jan-2023 ORDERED: Motion for a Procedural Order Accelerating Consolidated Appeal and Special Action (Appellant) = GRANTED and designating this consolidated case as an accelerated appeal under ARCAP 29. FURTHER ORDERED: All aspects of our order dated 01/09/2023 remain in effect. Hon Maria Elena Cruz - Author

Court of Appeals, Division One**Civil Accelerated Appeal - Rule 29****1 CA-CV 22-0779****LAKE v. HOBBS, et al.****57 PROCEEDING ENTRIES**

38. 31-Jan-2023 FILED: Motion for Leave to File as Amicus Curiae [sic] in Support of Kari Lake's Petition for Special Action; (Certificate of Service) Motion for Leave to File as Amicus Curiae [sic] in Support of Kari Lake's Petition for Special Action; Exhibit A; Amended Writ of Mandate (Amicus Curiae)
[Amended Writ stricken per 02/01/2023 order]
39. 31-Jan-2023 FILED: Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4 (Amicus Curiae)
40. 31-Jan-2023 FILED: Exhibit 5; Exhibit 6; Exhibit 7 (part 1); Exhibit 7 (part 2) (Amicus Curiae)
41. 31-Jan-2023 FILED: Exhibit 8; Motion for Expedited Hearing; Exhibit 9; Exhibit 10 (Amicus Curiae)
42. 31-Jan-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
43. 1-Feb-2023 ORDERED: Motion for Leave to File as Amicus Curiae [sic] in Support of Kari Lake's Petition for Special Action (Amicus Curiae Ryan L. Heith) = DENIED (and accompanying request for expedited hearing) and striking the proposed amicus curiae brief (captioned "Amended Verified Special Action Petition for Writ of Mandamus"). [sic]
44. 2-Feb-2023 AMENDED ORDER: Motion for Leave to File as Amicus Curiae [sic] in Support of Kari Lake's Petition for Special Action (Amicus Curiae Ryan L. Heith) = DENIED (and accompanying request for expedited hearing) and striking the proposed amicus curiae brief (captioned "Amended Verified Special Action Petition for Writ of Mandamus"). Hon Maria Elena Cruz - Author
45. 6-Feb-2023 FILED: Motion to Intervene in this Matter (Intervenor Pro Per Mark Marvin)
46. 9-Feb-2023 ORDERED: Motion to Intervene in this Matter (Intervenor Pro Per) = DENIED. Hon Maria Elena Cruz - Author
47. 10-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
48. 16-Feb-2023 OPINION (Affirmed, Relief Denied) Hon Kent E Cattani - Author; Hon Maria Elena Cruz - Concur; Hon Peter B Swann - Concur
49. 16-Feb-2023 FILED: Opinion Distribution List Part 1 of 2
50. 16-Feb-2023 FILED: Opinion Distribution List Part 2 of 2
51. 21-Feb-2023 FILED: Motion to Arrest Denial of Permission to Intervene as of Right and Motion for Judicial Notice of Habeas Petition and Role of Someone Petitioner (Intervenor Marvin)
52. 21-Feb-2023 FILED: Notice of Substitution of Counsel for Defendant Arizona Secretary of State Adrian Fontes; Certificate of Service (Appellee Secretary)
53. 22-Feb-2023 ORDERED: Motion to Arrest Denial of Permission to Intervene as of Right and Motion for Judicial Notice of Habeas Petition and Role of Someone Petitioner (Intervenor Marvin) = DENIED. Hon Kent E Cattani - Author
54. 6-Mar-2023 FILED: Email Notice from ASC re: Petition for Review filed 03/01/2023; request for partial record
55. 6-Mar-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
56. 22-Mar-2023 FILED: Order from ASC, 3/22/23, re: issued one through five and seven of Petition for Review DENIED. FURTHER ORDERED: Granting review of issue six. FURTHER ORDERED: Vacating paragraphs 26-30 of the Court of Appeals Opinion. FURTHER ORDERED: Remanding to the trial court.
57. 28-Mar-2023 FILED: Copy of Letter forwarding complete record to ASC