Case 2:20-cv-01143-DLR Document 75 Filed 07/17/20 Page 1 of 10

1 2	Thomas R. McCarthy (<i>pro hac</i> application pend tom@consovoymccarthy.com Cameron T. Norris (<i>pro hac</i> application pending	
3	cam@consovoymccarthy.com	,,
4	CONSOVOY MCCARTHY PLLC 1600 Wilson Blvd., Ste. 700	
5	Arlington, Virginia 22209	
6	Patrick Strawbridge (pro hac application pendin	g)
7	patrick@consovoymccarthy.com CONSOVOY MCCARTHY PLLC	
8	Ten Post Office Square, 8th Floor South PMB #	706
9	Boston, Massachusetts 02109 Tel: (703) 243-9423	
10		
11	Kory Langhofer (Ariz. Bar No. 024722) <u>kory@statecraftlaw.com</u>	
12	Thomas Basile (Ariz. Bar No. 031150) tom@statecraftlaw.com	
13	STATECRAFT PLLC	
14	649 North Fourth Avenue, Suite B Phoenix, Arizona 85003	
15	Tel: (602) 382-4078	
16	Counsel for Intervenors Republican National Co	ommittee, et al.
17	IN THE UNITED STATES	
18	FOR THE DISTRIC	T OF ARIZONA
19	The Arizona Democratic Party, et al.,	No. 2:20-cv-01143-DLR
20	Plaintiffs,	
21	V.	ANSWER OF REPUBLICAN
22	Katie Hobbs, et al.,	NATIONAL COMMITTEE, ARIZONA REPUBLICAN PARTY AND DONALD J. TRUMP FOR
23	Defendants,	PRESIDENT, INC. TO THE COMPLAINT
24	and	
25		
26	State of Arizona, et al.	
27	Intervenor-Defendants.	
28		
	1	

1	The Re	epublican National Committee, Arizona Republican Party, and Donald J.
2	Trump for Pro	esident, Inc. (collectively, "Intervenors") submit this Answer to Plaintiffs'
3	complaint (Do	oc. 1):
4		NATURE OF THE CASE
5	1.	This paragraph states legal conclusions to which no response is required.
6	2.	Intervenors lack sufficient information to admit or deny Plaintiffs' motives
7	for bringing th	ne lawsuit. The remaining allegations of this paragraph are denied.
8	3.	Intervenors lack sufficient information to admit or deny the factual
9	allegations in	this paragraph. This paragraph states legal conclusions to which no response
10	is required.	
11	4.	Intervenors admit that Arizona is suffering from the COVID-19 pandemic.
12	Intervenors la	ck sufficient information to admit or deny Plaintiffs' other allegations in this
13	paragraph.	
14	5.	Intervenors lack sufficient information to admit or deny the factual
15	allegations in	this paragraph. This paragraph states legal conclusions to which no response
16	is required.	
17	6.	Intervenors lack sufficient information to admit or deny Plaintiffs'
18	allegations in	this paragraph.
19	7.	Denied.
20	8.	Intervenors lack sufficient information to admit or deny the factual
21	allegations in	this paragraph. This paragraph states legal conclusions to which no response
22	is required.	
23		JURISDICTION AND VENUE
24	9.	This paragraph states legal conclusions to which no response is required.
25	10.	This paragraph states legal conclusions to which no response is required.

This paragraph states legal conclusions to which no response is required. Intervenors lack sufficient information to admit or deny the factual

25

26

27

28

11.

12. allegations in this paragraph. This paragraph states legal conclusions to which no response

1	1 is required.	
2	2 13. This paragraph states legal co	onclusions to which no response is required.
3	This paragraph states legal co	onclusions to which no response is required.
4	PAR	RTIES
5	5 15. Intervenors lack sufficient	information to admit or deny the factual
6	6 allegations in this paragraph.	
7	7 16. Intervenors lack sufficient	information to admit or deny the factual
8	8 allegations in this paragraph. This paragraph	states legal conclusions to which no response
9	9 is required.	
10	17. Intervenors lack sufficient	information to admit or deny the factual
11	allegations in this paragraph. This paragraph	states legal conclusions to which no response
12	is required.	
13	18. Intervenors lack sufficient	information to admit or deny the factual
14	allegations in this paragraph. This paragraph	states legal conclusions to which no response
15	is required.	
16	19. Intervenors lack sufficient	information to admit or deny the factual
17	allegations in this paragraph. This paragraph	states legal conclusions to which no response
18	is required.	
19	19 20. Denied.	
20	20 21. Intervenors lack sufficient	information to admit or deny Plaintiffs'
21	representations as to DNC's alleged activitie	s. The remaining allegations of this paragraph
22	are denied.	
23	23 22. Denied.	
24	24 23. Intervenors lack sufficient	information to admit or deny the factual
25	allegations in this paragraph. This paragraph	states legal conclusions to which no response
26	is required.	
27	27 24. Denied.	
28	25 Denied	

1	26.	Intervenors admit that Katie Hobbs is the Secretary of State for the State of
2	Arizona. This	paragraph states legal conclusions to which no response is required.
3	27.	Admitted.
4	28.	Admitted.
5	29.	Admitted.
6	30.	Admitted.
7	31.	Admitted.
8	32.	Admitted.
9	33.	Admitted.
10	34.	Admitted.
11	35.	Admitted.
12	36.	Admitted.
13	37.	Admitted.
14	38.	Admitted.
15	39.	Admitted.
16	40.	Admitted.
17	41.	Admitted.
18		STATEMENT OF FACTS
19	42.	This paragraph states legal conclusions to which no response is required.
20	43.	This paragraph states legal conclusions to which no response is required.
21	44.	Denied.
22	45.	This paragraph states legal conclusions to which no response is required.
23	46.	This paragraph states legal conclusions to which no response is required.
24	47.	This paragraph states legal conclusions to which no response is required.
25	48.	The referenced documents speak for themselves. Plaintiffs' remaining
26	allegations in	this paragraph are denied. This paragraph states legal conclusions to which
27	no response is	required.
28	49.	The referenced documents speak for themselves.

1	50.	This paragraph states legal conclusions to which no response is required.
2	51.	Intervenors deny the first sentence and lack sufficient information to admit
3	or deny the sec	ond.
4	52.	Intervenors lack sufficient information to admit or deny the allegations in
5	this paragraph.	
6	53.	Intervenors lack sufficient information to admit or deny the allegations in
7	this paragraph.	
8	54.	Intervenors lack sufficient information to admit or deny the allegations in
9	this paragraph.	
10	55.	Denied.
11	56.	Intervenors lack sufficient information to admit or deny the allegations in
12	this paragraph.	This paragraph states legal conclusions to which no response is required.
13	57.	Denied.
14	58.	Denied.
15		COUNT I
16	(Undue Bur	den on the Right to Vote in Violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment)
17	59.	Intervenors reallege and incorporate by reference all prior paragraphs of this
18	Answer and the	e paragraphs in the counts below as though fully set forth herein.
19	60.	This paragraph states legal conclusions to which no response is required.
20	61.	This paragraph states legal conclusions to which no response is required.
21	62.	Denied.
22	63.	Denied.
23		COUNT II
24	(Denial of	Procedural Due Process in Violation of the Fourteenth Amendment)
25	64.	Intervenors reallege and incorporate by reference all prior paragraphs of this
26	Answer and the	e paragraphs in the counts below as though fully set forth herein.
27	65.	This paragraph states legal conclusions to which no response is required.
28		

66.

67.

Denied.

1

2

This paragraph states legal conclusions to which no response is required.

3	68.	Denied.
4	69.	Denied.
5		GENERAL DENIAL
6	70.	Intervenors deny each and every allegation not expressly admitted herein.
7		AFFIRMATIVE DEFENSES
8	1.	The Complaint fails, in whole or in part, to state a claim upon which relief
9	can be granted	
10	2.	The counts are barred in whole or in part by the doctrine of abstention.
11	3.	Plaintiffs' claims are barred under the political question or justiciability
12	doctrine.	
13	4.	Plaintiffs are estopped from bringing some or all of the claims asserted in
14	this action.	
15	5.	Plaintiffs are equitably estopped from bringing some or all of the claims
16	asserted in this	s action.
17	6.	Plaintiffs' unclean hands preclude the relief they seek herein.
18	7.	Plaintiffs have waived their right to bring some or all of the claims asserted
19	in this action.	
20	8.	Plaintiffs' claims are barred in whole or in part by the doctrine of res
21	judicata.	
22	9.	Plaintiffs' claims are barred in whole or in part by the doctrine of illegality.
23	10.	The Complaint fails, in whole or in part, because Plaintiffs have failed to
24	take reasonabl	e steps to avoid harm.
25	11.	Plaintiffs' claims for equitable relief are barred to the extent they seek an
26	affirmative or	mandatory injunction.
27	12.	Additional facts may be revealed by discovery that support affirmative
28	defenses prese	ently available to but unknown by Intervenors. Accordingly, Intervenors

Case 2:20-cv-01143-DLR Document 75 Filed 07/17/20 Page 7 of 10

1	hereby reserve the right to amend this Answer at a later time to assert any matter	rs
2	constituting an avoidance or affirmative defense, including those set forth in Fed. R. Civ	V.
3	P. 8(c) and 12(b).	
4	PRAYER FOR RELIEF	
5	Intervenors deny that Plaintiffs are entitled to their requested relief. They reques	st
6	that:	
7	A. The claims in the Complaint be fully dismissed with prejudice;	
8	B. The Court otherwise enter judgment against Plaintiffs with prejudice;	
9	C. The Plaintiffs take nothing;	
10	D. Intervenors be awarded their fees and costs; and	
11	E. The Court grant such further relief as it deems just and proper.	
12		
13	Dated: July 17, 2020	
14	STATECRAFT PLLC	
15	By: /s/Thomas Basile	
16	Kory Langhofer Thomas Basile	
17	649 North Fourth Avenue, First Floor Phoenix, Arizona 85003	
18	Thochia, Arizona 65005	
19	CONSOVOY MCCARTHY PLLC	
20	Thomas R. McCarthy (pro hac pending)	
21	Cameron T. Norris (<i>pro hac</i> pending) 1600 Wilson Blvd., Ste. 700	
22	Arlington, Virginia 22209	
23	Patrick Strawbridge (pro hac pending)	
24	Ten Post Office Square 8th Floor South PMB #706	
25	Boston, Massachusetts 02109	
26	Attorneys for Intervenors Republican	
27	National Committee, Arizona Republican Party, and Donald J. Trump for President,	
28	Inc.	

1 **CERTIFICATE OF SERVICE** 2 I hereby certify that on July 17, 2020, I electronically transmitted the attached 3 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a 4 Notice of Electronic Filing to the following CM/ECF registrants: 5 Alexis E. Danneman 6 Joshua L. Boehm **Perkins Coie LLP** 7 2901 North Central Avenue, Suite 2000 8 Phoenix, Arizona 85012-2788 ADanneman@perkinscoie.com 9 JBoehm@perkinscoie.com 10 Attorneys for the Plaintiffs 11 Roopali Desai Andy Gaona 12 Kristen Yost Coppersmith Brockelman PLC 13 2800 North Central Avenue, Suite 1900 Phoenix, Arizona 85004 14 rdesai@cblawyers.com agaona@cblawyers.com 15 kyost@cblawyers.com Attorneys for the Secretary of State 16 Drew Ensign 17 Jennifer Wright Robert Makar 18 **Arizona Attorney General's Office** 2005 North Central Avenue 19 Phoenix, Arizona 85004 Drew.Ensign@azag.gov 20 Jennifer.Wright@azag.gov Robert.Makar@azag.gov 21 Attorneys for the State of Arizona 22 Joseph D. Young Apache County Attorney's Office 23 P.O. Box 637 Saint Johns, Arizona 85936 24 jyoung@apachelaw.net Attorney for the Apache County Recorder 25 Britt Hanson 26 Christine Roberts **Cochise County Attorney's Office** 27 P.O. Box CA Bisbee, Arizona 85603 28 bhanson@cochise.az.gov

1	croberts@cochise.az.gov
2	Attorneys for the Cochise County Recorder
3	Rose Winkeler Coconino County Attorney's Office 110 East Cherry Ave.
4	Flagstaff, Arizona 86001
5	rwinkeler@coconino.az.gov Attorney for the Coconino County Recorder
6	Jeff Dalton
7	Gila County Attorney's Office 1400 East Ash Street
8	Globe, Arizona 85501 jdalton@gilacountyaz.gov
9	Attorney for the Gila County Recorder
	Kenneth Angle Graham County Attorney's Office
10	Graham County Attorney's Office 800 West Main Street
11	Safford, Arizona 85546 kangle@graham.az.gov
12	Attorney for the Graham County Recorder
13	Ryan Dooley La Paz County Attorney's Office
14	1320 Kofa Avenue
15	Parker, Arizona 85344 <u>rdooley@lapazcountyaz.org</u> Attorney for the La Paz County Recorder
16	
17	Joseph Branco Joseph La Rue
18	Maricopa County Attorney's Office
19	222 North Central Avenue, Suite 1100 Phoenix, Arizona 85004
	<u>brancoj@mcao.maricopa.gov</u> <u>ca-civilmailbox@mcao.maricopa.gov</u>
20	Attorney for the Maricopa County Recorder
21	Jeff Haws
22	Mohave County Attorney's Office 315 N. 4th St.
23	Kingman, Arizona 86401 <u>Jeff.Haws@mohavecounty.us</u>
24	Attorney for the Mohave County Recorder
25	Jason Moore Novaio County Attornoys Office
26	Navajo County Attorneys Office P.O. Box 668
27	Holbrook, AZ 86025 jason.moore@navajocountyaz.gov
28	Attorney for the Navajo County Recorder

	Case 2:20-cv-01143-DLR Document 75 Filed 07/17/20 Page 10 of 10
1	Daniel Jurkowitz Pima County Attornov's Office
2	Pima County Attorney's Office 32 North Stone Avenue, Suite 2100 Tugson, Arizona 85701
3	Tucson, Arizona 85701 <u>Daniel.Jurkowitz@pcao.pima.gov</u> Attornay for the Pina County Beaudan
4	Attorney for the Pima County Recorder
5	Craig Cameron Pinal County Attorney's Office
6	30 N. Florence St. Florence, Arizona 85132
7	Craig.Cameron@pinal.gov Attorney for the Pinal County Recorder
8	Kimberly Hunley Santa Cruz County Attorney's Office
9	2150 North Congress Drive, Suite 201 Nogales, Arizona 85621
10	khunley@santacruzcountyaz.gov Attorney for the Santa Cruz County Recorder
11	Thomas M. Stoxen
12	Yavapai County Attorney's Office
13	255 E. Gurley Street Prescott, Arizona 86301
14	thomas.stoxen@yavapai.us
15	Attorneys for the Yavapai County Recorder
16	William J. Kerekes Office of the Yuma County Attorney
17	250 West Second Street, Suite G
18	Yuma, Arizona 85364 YCAttyCivil@yumacountyaz.gov
19	Attorney for the Yuma County Recorder
20	
21	
22	By: <u>/s/Thomas Basile</u> Thomas Basile
23	
24	
25	
26	
27	
28	