

1 Sarah R. Gonski (Bar No. 032567)
Austin Yost (Bar No. 034602)
2 **PERKINS COIE LLP**
2901 North Central Avenue, Suite 2000
3 Phoenix, Arizona 85012-2788
Telephone: (602) 351-8000
4 Facsimile: (602) 648-7000
SGonski@perkinscoie.com
5 AYost@perkinscoie.com

6 Marc E. Elias (WDC Bar No. 442007)*
Elisabeth C. Frost (WDC Bar No. 1007632)*
7 Jacki L. Anderson (WDC Bar No. 1531821)*
John M. Geise (WDC Bar No. 1032700)*
8 **PERKINS COIE LLP**
700 Thirteenth Street NW, Suite 600
9 Washington, D.C. 20005-3960
Telephone: (202) 654-6200
10 Facsimile: (202) 654-6211
MElias@perkinscoie.com
11 EFrost@perkinscoie.com
JackiAnderson@perkinscoie.com
12 JGeise@perkinscoie.com

13 Abha Khanna (WA Bar No. 42612)*
14 **PERKINS COIE LLP**
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
15 Telephone: (206) 359-8000
Facsimile: (206) 359-9000
16 AKhanna@perkinscoie.com

17 **Admitted Pro Hac Vice*

18 *Attorneys for Plaintiffs*

20 UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

21 Brian Mecinas, *et al.*,
22 Plaintiffs,
23 v.
24 Katie Hobbs, in her official capacity as the
25 Arizona Secretary of State,
26 Defendant.

No. 19-cv-05547-PHX-DJH

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY
IN SUPPORT OF RESPONSE IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

28

1 In support of their Response in Opposition to the Secretary's Motion to Dismiss
2 (Doc. 27), Plaintiffs respectfully submit the attached Memorandum Opinion and Order
3 issued on March 17, 2020, in *Dakota Nelson et al. v. Warner et al.*, No. 3:19-0898 (S.D.W.
4 Va. Mar. 17, 2020). *See* Ex. A. In *Warner*, the West Virginia Democratic Party and several
5 individual plaintiffs brought suit challenging West Virginia's ballot order statute, which
6 prioritized "[t]he party whose candidate for president received the highest number of votes
7 at the last preceding presidential election." W. Va. Code § 3-6-2(c)(3). The complaint in
8 that case brought the same claims as here and alleged injuries suffered by the West Virginia
9 Democratic Party and its voters as a result of the implementation of the law. *See* Ex. A. The
10 U.S. District Court for the Southern District of West Virginia denied the defendants' motion
11 to dismiss. *See id.* In so doing, the *Warner* decision addressed several of the same issues
12 raised in the Secretary's motion to dismiss (Doc. 26), including standing of political party
13 and individual plaintiffs, the character and magnitude of the burden alleged by Plaintiffs
14 under the *Anderson-Burdick* test, and the legitimacy of the state's asserted interests in its
15 current ballot ordering system.

16 Dated: March 18, 2020

PERKINS COIE LLP

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18 By: /s Austin Yost
19 Sarah R. Gonski (Bar No. 032567)
20 Austin Yost (Bar No. 034602)
21 2901 North Central Avenue, Suite 2000
22 Phoenix, Arizona 85012-2788
23 Telephone: (602) 351-8000
24 Facsimile: (602) 648-7000
25 SGonski@perkinscoie.com
26 AYost@perkinscoie.com
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1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
AKhanna@perkinscoie.com

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2020, I electronically transmitted the attached document to the Clerk’s Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants.

/s Austin Yost