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Attorneys for Defendant Arizona Secretary of State Katie Hobbs

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 Tyler Bowyer; Michael John Burke; Nancy
16 Cottle; Jake Hoffman; Anthony Kern;
17 Christopher M. King; James R. Lamon; Sam
18 Moorhead; Robert Montgomery; Loraine
19 Pellegrino; Greg Safsten; Salvatore Luke
20 Scarmardo; Kelli Ward; and Michael Ward,

21 Plaintiffs,

22 v.

23 Doug Ducey, in his official capacity as
24 Governor of the State of Arizona; and Katie
25 Hobbs, in her official capacity as Arizona
26 Secretary of State,

27 Defendants.

28 **MARICOPA COUNTY BOARD OF**
SUPERVISORS; and ADRIAN FONTES, in his
official capacity as Maricopa County Recorder,

Intervenors.

No. CV-20-02321-PHX-DJH

**DEFENDANTS', DEFENDANT
INTERVENOR'S, AND
PROPOSED DEFENDANT
INTERVENOR'S REQUEST FOR
PRE-HEARING ORDER**

1 Counsel for Defendant Governor Doug Ducey, counsel for Defendant Secretary of
2 State Katie Hobbs, counsel for Intervenor Maricopa County, and counsel for Proposed
3 Intervenor Arizona Democratic Party met and conferred (“Participating Parties”)
4 respectfully request that the Court enter a pre-hearing order to facilitate the parties’
5 preparation for, and the efficient presentation of, evidence at the expedited TRO hearing
6 that has been scheduled for December 8, 2020.

7 On December 4, 2020, Participating Parties met and conferred about a proposed
8 pre-hearing order. Counsel for Plaintiffs was invited to attend, but after originally
9 indicating their availability for a morning call, refused to participate in the meet and
10 confer. *See* Ex. 1. Although Plaintiffs did not participate, the participating parties have
11 shown the substance of this motion to Plaintiffs’ and they have indicated they object.

12 The Participating Parties request that the Court include the following items in a
13 pre-hearing order.

14 **1. Pretrial Disclosures**

15 This Court allotted one hour per named party to present their case. The participating
16 parties’ understanding is that this allotment includes time for both direct and cross-
17 examination. In order to efficiently use this time and to provide proper notice to all other
18 parties, Participating Parties believe that all parties should disclose the identity of their
19 witnesses, a short description of testimony for each fact witness, and for each expert
20 witness, a summary of all opinions the expert may offer at the hearing, copies of all data
21 and supporting documents, and the proposed expert’s CV and qualifications. The
22 Participating Parties propose the following schedule:

- 23 • **Plaintiffs’ disclosure due by Saturday, December 5 at 12:00 P.M.**
- 24 • **Defendants’ and Intervenor Disclosures by Sunday, December 5 at**
25 **12:00 P.M.**

26 The Participating Parties also request that this disclosure include the names of each
27 witness the party actually intends to call as well the order in which they intend to call
28 each witnesses.

