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Attorneys for Defendant Larry Noble, in his official capacity

9 **IN THE UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF ARIZONA**

<p>11 MI FAMILIA VOTA, <i>et al</i>, 12 Plaintiffs, 13 vs. 14 KATIE HOBBS, <i>et al</i>, 15 Defendant.</p>	<p>Case No: CV-21-1423-PHX-DWL</p> <p>ANSWER OF DEFENDANT APACHE COUNTY ATTORNEY RECORDER, LARRY NOBLE</p>
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 17 Defendant Apache County Recorder, Larry Noble, affirmatively alleges that he is not a
 18 proper or necessary party to this action and takes a nominal position. Said Defendant should
 19 either be dismissed from this action or should be denominated as a nominal party. Defendant
 20 Larry Noble answers the Complaint as follows:

- 21 1. Defendants admit the allegations of paragraphs 1, 5, 6, 7, 8, 21, 22, 23, 24, and
 22 25-45.
- 23 2. Defendants deny the allegations of paragraph 46, 90, 91, and 104 as they apply to
 24 this Defendant. Defendant affirmatively alleges that he is a nominal party to this action and
 25 should be denominated as such.
- 26 3. Defendants assert that the allegations of paragraphs 2, 3, 4, 18, 51, 64-88, 95-103,
 27 and 127-145 state legal conclusions to which no response is required. Defendant affirmatively
 28 alleges that he is a nominal party to this action and should be denominated as such.

1 4. Defendant is without sufficient knowledge or information to form a belief as to
2 the truth of the allegations of paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 47, 48, 49, 50,
3 52-63, 92-94, and 105-126 and thus deny these allegations. Defendant affirmatively alleges that
4 he is a nominal party to this action and should be denominated as such.

5 5. All allegations of the complaint not specifically admitted are hereby denied.

6 **AFFIRMATIVE DEFENSES**

7 1. Defendant affirmatively alleges that he is not a proper or necessary party to this
8 action and that his role in this action is nominal.

9 2. Defendant affirmatively alleges that even if he is a necessary party for purposes of
10 injunctive relief, his role in this action would remain nominal.

11 3. Defendant affirmatively alleges that he has qualified immunity for performing
12 their official duties as required under the Act. *See Pierson v. Ray*, 386 U.S. 547, 537 (1967);
13 *Luchunski v. Congrove* 193 Ariz. 176, 971 p. 2d 636(App.1998).

14 4. Defendant further states that his Office has previously affirmatively requested that
15 the cure period which is the subject of the Cure Period Law be five days following the date of an
16 election based on Apache County's agreement with the Navajo Nation to allow a five day period
17 such agreement coming prior to any legislation on the topic. Defendant; however, will follow the
18 law as passed by the legislature and interpreted by this Court.

19 5. Additional facts may be revealed by future discovery which support affirmative
20 defenses available to, but presently unknown to, this Defendant. Accordingly, Defendant hereby
21 incorporates by this reference all applicable affirmative defences pursuant to Rules 8 and 12 of
22 the Federal Rules of Civil Procedure as though set forth fully herein.

23 **RELIEF**

24 A. Defendant affirmatively alleges that he is a nominal party to this action and
25 should be denominated as such.

26 B. Defendant affirmatively alleges that he and his office will abide by any ruling by
27 this Court.

1 C. Having fully answered the Complaint and having stated affirmative defenses,
2 Defendant requests entry of judgement denying any and all relief that Plaintiffs have requested as
3 to this Defendant, dismissing the Complaint as to this Defendant with Prejudice, and granting
4 such other and further relief as the Court deems proper.

5
6 RESPECTFULLY SUBMITTED this 14th day of September, 2021.

7 Michael B. Whiting
8 Apache County Attorney

9 /s/ Joseph Young
10 Joseph D. Young
11 Chief Deputy County Attorney

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13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on August 14, 2021, I electronically transmitted the attached
15 document to the Clerk's Office using the CM/ECF System for filing, and transmittal of a Notice
16 of Electronic Filing to the following ECF registrants:

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19 /s/ Joseph Young
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