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9
10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

11 IN AND FOR THE COUNTY OF COCHISE

12 ARIZONA ALLIANCE OF RETIRED
13 AMERICANS, INC. and STEPHANI
14 STEPHENSON,

15 Plaintiffs,

16 v.

17 TOM CROSBY, ANN ENGLISH, and
18 PEGGY JUDD, in their official
capacities as the Cochise County
19 Board of Supervisors; DAVID
20 STEVENS, in his official capacity as
the Cochise County Recorder; and
21 LISA MARRA, in her official capacity
as the Cochise County Elections
22 Director,

23 Defendants.

Case No. S0200CV202200518

**DEFENDANT LISA MARRA'S ANSWER
TO VERIFIED SPECIAL ACTION
COMPLAINT**

**(Assigned to The Honorable Casey
McGinley)**

24
25 Defendant Lisa Marra ("Marra") answers Plaintiffs' Verified Special Action
26 Complaint as follows.

1 1. Admits that the Cochise County Board of Supervisors (the “Board”) intends
2 to conduct a full hand count audit of all early ballots in Cochise County that disregards
3 statutory and other procedures for hand count audits and exceeds the Board’s scope of
4 authority. Admits that Plaintiffs correctly quote the excerpted language in the cited case,
5 *Ariz. Integrity All. v. Fontes*, 250 Ariz. 58, 61 (2020). Admits that the proposed full hand
6 count audit has the potential to both delay the election count and certification process and
7 to erode confidence in the election as a whole.

8 2. Upon information and belief, admits that the two quotations in this
9 paragraph are attributed to, respectively, the Board and to Defendant Supervisor Ann
10 English. Admits that Arizona law specifies procedures to audit electronic tabulation
11 results. Admits that changes to state law or the Election Procedures Manual (“EPM”) must
12 be made by, respectively, the Legislature or the Secretary of State.

13 3. Admits.

14 4. Admits.

15 5. Upon information and belief, admits that Plaintiff Stephani Stephenson and
16 Plaintiff the Arizona Alliance of Retired Americans, Inc. (the “Alliance”), and its
17 members are Arizona residents and voters. Defendant is without sufficient information to
18 admit or deny the remaining allegations in this paragraph.

19 6. Admits.

20 7. Admits that jurisdiction is appropriate.

21 8. Admits that venue is proper in this Court.

22 9. Without sufficient information to admit or deny.

23 10. Without sufficient information to admit or deny.

24 11. Upon information and belief, admits that the Alliance brings this action on
25 behalf of its members. Without sufficient information to admit or deny the remaining
26 allegations.

1 12. Upon information and belief, admits that Plaintiff Stephenson is a qualified
2 and registered voter in Cochise County. Without sufficient information to admit or deny
3 the remaining allegations.

4 13. Admits.

5 14. Admits.

6 15. Admits.

7 16. Admits.

8 17. Admits.

9 18. Admits.

10 19. Admits.

11 20. Admits.

12 21. Admits.

13 22. Admits.

14 23. Admits.

15 24. Admits.

16 25. Admits.

17 26. Admits.

18 27. Admits.

19 28. Admits.

20 29. Admits.

21 30. Admits that the reliability of voting systems have been called into question
22 by some in Arizona and elsewhere. Upon information and belief, admits that this
23 paragraph correctly quotes the Secretary of State's October 19, 2022 letter and 2021
24 report.

25 31. Upon information and belief, admits that this paragraph correctly quotes the
26 Secretary of State's October 19, 2022 letter. Without sufficient information to admit or
27 deny the remaining allegations.
28

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- 1 32. Admits.
- 2 33. Admits.
- 3 34. Admits.
- 4 35. Admits.
- 5 36. Admits.
- 6 37. Admits.
- 7 38. Admits that some members of the public spoke against an audit of all ballots
- 8 cast.
- 9 39. Admits.
- 10 40. Admits.
- 11 41. Admits.
- 12 42. Admits.
- 13 43. Admits.
- 14 44. Upon information and belief, admits that the Board voted 2-1 to adopt the
- 15 measure, with Defendant Supervisor English opposing. Without sufficient information to
- 16 admit or deny the remaining allegations.
- 17 45. Upon information and belief, admits that this paragraph accurately
- 18 summarizes the Secretary of State's October 25, 2022 letter.
- 19 46. Upon information and belief, admits that this paragraph accurately
- 20 summarizes the Secretary of State's October 25, 2022 letter.
- 21 47. Upon information and belief, admits that this paragraph accurately quotes
- 22 the Board's letter to the Secretary of State.
- 23 48. Admits that during the October 28, 2022 Board meeting, a discussion of a
- 24 full hand count audit transpired, the full detail of which is publicly available.
- 25 49. Admits that during the October 28, 2022 Board meeting, County Attorney
- 26 McIntyre provided further explanation to the Board, the full detail of which is publicly
- 27 available.

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70. Admits.

71. Admits.

72. Admits that declaratory and injunctive relief is necessary to ensure that the Defendant Supervisors and Defendant Recorder proceed in accordance with the law.

AFFIRMATIVE DEFENSES

Marra will assert affirmative defenses should she become aware of the need to assert such defenses during litigation or discovery.

WHEREFORE, having fully answered Plaintiff’s Verified Special Action Complaint, Defendant respectfully requests that the Court:

A. Grant the relief requested in Plaintiff’s Verified Special Action Complaint; and

B. Award such other relief as the Court deems just and appropriate under the circumstances.

DATED this 3rd day of November, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2022, I electronically transmitted this document to the Clerk's Office using the AZTurbo System for filing, and on this same day, served a copy via electronic mail upon the following:

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