

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2023-051480

08/24/2023

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
A. Walker
Deputy

KARI LAKE

BRYAN JAMES BLEHM

v.

STEPHEN RICHER, et al.

JOSEPH EUGENE LA RUE

KARA MARIE KARLSON
JACK O'CONNOR III
ROSA AGUILAR
KYLE ROBERT CUMMINGS
NANCY M BONNELL
JUDGE HANNAH

BENCH TRIAL SETTING

East Court Building – Courtroom 811

9:39 a.m. This is the time set for a Status Conference to set trial. Plaintiff, Kari Lake, is represented by counsel, Bryan J. Blehm who appears virtually. Defendants, Stephen Richer, in his official capacity as Maricopa County Recorder, is represented by counsel, Joseph E. La Rue, Jack O'Connor, and Rosa Aguilar. Kyle Cummings and Nancy Bonnell, counsel for proposed Intervenor, Attorney General representing the Arizona Secretary of State Adrian Fontes, are also present.

A record of the proceedings is made digitally in lieu of a court reporter.

Case status and scheduling are discussed.

Defendants reurge their Motion to Dismiss based on A.R.S. § 16-168(F).

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IT IS ORDERED that the Motion to Dismiss will abide and may be addressed at the next hearing.

IT IS FURTHER ORDERED setting a 2-day Trial to the Court on **September 21, 2023, at 9:00 a.m.** before:

HONORABLE JOHN HANNAH
JUDICIAL OFFICER OF THE SUPERIOR COURT
EAST COURT BUILDING
COURTROOM 811
101 W. JEFFERSON
PHOENIX, AZ 85003
(602) 372-0759

This is a FIRM TRIAL setting. **Trial days will be September 21 and 25, 2023.**

Trial days are normally 9:00 a.m. to 4:30 p.m., Monday through Thursday, with lunch from 12:00 p.m. to 1:30 p.m.

IT IS FURTHER ORDERED that the parties must simultaneously exchange disclosures not later than **5:00 p.m. August 31, 2023.**

IT IS FURTHER ORDERED that any rebuttal must be exchanged not later than **5:00 p.m. September 7, 2023.**

IT IS FURTHER ORDERED each party may submit a Trial Memorandum or Motions in Limine not later than **5:00 p.m. September 13, 2023.** Responses to motions are due not later than **5:00 p.m. on September 18, 2023.**

Counsel are directed to email copies of all filings to this division's Judicial Assistant, Gail Cody, at gail.cody@JBAZMC.maricopa.gov.

The Court strongly encourages the parties to have all witnesses appear in-person for trial. Any party that is going to have witnesses testify remotely is directed to contact Court staff to set up a time beforehand to review courtroom technology.

LET THE RECORD REFLECT the defendant does not oppose the Secretary of State's Motion to Intervene.

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IT IS FURTHER ORDERED that plaintiff file a response to Secretary of State's Motion to Intervene not later than **12:00 p.m. on August 28, 2023**.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

10:11 a.m. Hearing concludes.

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DUTIES PRIOR TO TRIAL

Exhibits:

Exhibits to be offered at trial shall be delivered to the division not later than 12:00 p.m. on September 14, 2023. The parties may submit either electronic exhibits or paper exhibits, but both sides must submit exhibits in the same manner. If exhibits are submitted in electronic format, it is not necessary to submit an extra copy for the Court. If counsel submit exhibits to the Clerk in hard copy, an extra set (either hard copies in notebooks, or electronic copies on a flash drive) should be submitted for the Court to refer to during trial.

Instructions and guidance for electronic and hard copy submission of exhibits are available at <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>.

Please adhere to the following guidelines for exhibits. If you have any questions regarding the guidelines or procedures relating to exhibits, contact this division's clerk, Angie Walker, at (602) 506-1375.

- Hard-copy exhibits should be submitted to the Clerk stapled. If an exhibit is too large to be stapled, that exhibit shall be securely fastened in order to prevent page separation. (Note: Black binder clips are NOT considered securely fastened. we suggest placing in a binder or using the two-prong fasteners). **DO NOT use paper clips, rubber bands, or submit loose sheets of paper. Exhibits not securely bound will not be accepted.**
- Do not put numbers on exhibits. If submitting hard copies, use a COLORED sheet with the exhibit number on it. Place the colored sheet in front of each exhibit, but **DO NOT staple or paper-clip it to the exhibit** (this should be the only loose sheet).
- The list of exhibits should contain the case number and caption, the scheduled trial date, the party submitting the exhibits, the exhibit number, and a simple description of the exhibit. Keep the descriptions of the exhibits *simple*. Do not use a description that cannot be verified by looking at the document or item. *Do not include Bates numbers* in your description of the exhibits.
- Exhibits shall be marked numerically and consecutively beginning with Plaintiff's exhibits and continuing sequentially with Defendant's exhibits (e.g. Plaintiff's exhibits 1, 2, 3, Defendant's exhibits 4, 5, 6). *Do not skip numbers.* Numbers will not be skipped or saved in anticipation of additional exhibits not yet submitted. Any missing or skipped exhibits shall be designated as "*Unused.*" Additional exhibits, if necessary, may be marked during the course of trial.

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- Counsel must confer in an effort to eliminate duplication of exhibits. If duplicate exhibits exist, the Clerk may remove them and not mark them, resulting in exhibit numbers not consistent with the expectations of counsel.
- *Do not list depositions* on the exhibit description list (because depositions are not marked as exhibits). Original depositions must be provided to the Clerk at the time of trial for filing directly into the court record. Counsel must retain copies of depositions for use during the trial. The original depositions remain with the Clerk.
- Poster boards and large items may only be used for demonstrative purposes. Counsel must disclose poster board displays or other demonstrative items to opposing counsel at least three (3) judicial days prior to anticipated presentation at trial. If poster boards or large items are to be marked as exhibits, the clerk must be provided an 8-1/2 x 11 photograph/copy of the item and the photograph/copy must appear in the list of exhibits.
- Exhibits submitted to the court for trial (in hard copy or electronic files) that are marked but not offered into evidence will be destroyed following the trial, unless a party requests that the evidence be returned at the conclusion of the hearing. Such requests must be filed with the Court and served on all parties no later than the conclusion of the hearing/trial.

Miscellaneous Issues:

All court proceedings are recorded digitally. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten judicial days in advance of the hearing and pay the fee to the Clerk of the Court at least two judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

Requests for an interpreter must be made at least two weeks prior to the scheduled hearing date. The Court may not be able to accommodate late interpreter requests.

Hearings at which one or more witnesses will testify will presumptively be presented in person in this Division's courtroom, not by videoconference. **If you intend to present a witness or witnesses by live videoconference, you must notify the Court and opposing counsel far enough in advance to allow time for objections to be heard and, if remote testimony is permitted, to ensure that the courtroom will be set up for the presentation.**

If you are not familiar with this Division's courtroom technology, please make an appointment at least one week prior to your trial or hearing with the Courtroom Assistant, Tomi

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Polvorosa, via email at tomi.polvorosa@jbazmc.maricopa.gov, to familiarize yourself with the equipment and make sure that you are able to connect it with your own electronic devices. You will be responsible for operation of the courtroom technology during trial.

Preferred communication with this Division around the Final Trial Management Conference and trial is via email to the Judicial Assistant, Gail Cody, at gail.cody@jbazmc.maricopa.gov. You must copy all parties on all such communications. Please also send courtesy copies of filings to this email address to avoid delay in reaching the Court.

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WITNESS INFORMATION FORM

For bench trials, counsel should anticipate no more than five and one-half hours of actual presentation time each day.

WITNESSES FOR PLAINTIFF:

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

PLAINTIFF'S TOTAL WITNESS TIME ESTIMATE: _____

WITNESSES FOR DEFENDANT:

	WITNESS NAME	DIRECT	CROSS	REDIRECT
1				
2				
3				
4				
5				

DEFENDANT'S TOTAL WITNESS TIME ESTIMATE: _____

TIME ESTIMATE FOR:	PLAINTIFF(S)		DEFENDANT(S)
OPENING STATEMENT			
CLOSING ARGUMENT	1 st :	2 nd :	

PLAINTIFF'S TOTAL TIME ESTIMATE: _____

DEFENDANT'S TOTAL TIME ESTIMATE: _____