

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-095403

05/16/2023

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT  
V. Felix  
Deputy

KARI LAKE

BRYAN JAMES BLEHM

v.

KATIE HOBBS, ET AL

ALEXIS E DANNEMAN

THOMAS PURCELL LIDDY  
CRAIG A MORGAN  
JUDGE THOMPSON

**MINUTE ENTRY**

The Court has considered Plaintiff's Corrected Motion for Relief from Order and the Response. The Motion is granted in part for the following reasons.

As this Court stated in its May 15, 2023 order, Plaintiff both at Oral Argument and in her Reply narrowed the claim brought on Count III of her Complaint to a claim based on *Reyes v. Cuming*, 191 Ariz. 91 (App. 1997). This is a claim based on Maricopa County's alleged wholesale failure to conduct a process or procedure required by law. *See id.* at 93 (reversing on grounds of "complete non-compliance" with signature verification statute). "A party is bound by factual admissions or concessions made in its pleadings." *Ramsey v. Ariz. Registrar of Contractors*, 241 Ariz 102, 109, ¶ 24 (App. 2016).

The Court is obliged – in considering a motion to dismiss – to indulge all inferences in favor of the non-movant. *State ex rel. Brnovich v. Ariz. Bd. of Regents*, 250 Ariz. 127, 130, ¶ 7 (2020). Simultaneously, the Court can – and does – hold Plaintiff to her counsels' representation of the scope of her claim at Trial, that no signature verification was conducted.

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The most liberal reading of paragraph 16 of her complaint states a claim broad enough to encompass Plaintiff's current theory. It reads in relevant part: "Maricopa County election officials allowed tens of thousands of ballots with signature mismatches like this one" (referring to an image of a ballot with *no* signature) to be counted and that the County "did the same thing in the 2022 general election." The image and allegation are not taken as substantive but demonstrative. Namely, to demonstrate a situation where no signature is present and yet was counted could be relevant to demonstrate that no signature verification was conducted because there was no signature to evaluate. Read broadly, as the Court must, this states a claim that no signature verification was conducted as to level 1 in addition to allegations that level 2 and 3 verifications did not occur. The Court also recognizes the contradiction between this new theory and the other allegations in Count III of Plaintiff's Complaint; specifically, that her own affiants declare that they conducted signature review at level 1. The Court will give such affidavits and the evidence presented at Trial the weight that each is due. Plaintiff is further bound by her concession that she "brings a *Reyes* claim, not a *McEwen* claim. She challenges Maricopa's failure to act, not its action on any particular ballot."

The Court concludes that the broadest possible reading of the Complaint could allow Plaintiff to allege level 1 violations as well as her other theories. Plaintiff will be allowed to present evidence that Maricopa County failed to conduct any level 1 signature verification. Because the Court rules on Rule 60(b)(1) grounds, the Court does not address Plaintiff's arguments to newly discovered evidence. Any objections to evidence, newly discovered or otherwise, will be handled at Trial.

**IT IS THEREFORE ORDERED** granting the Motion to the extent that Plaintiff seeks to challenge the alleged absence of level 1 signature verification.

**IT IS FURTHER ORDERED** denying all other relief requested in the Motion or Response.