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WILENCHIK & BARTNESS
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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

KELLI WARD,

Plaintiff;

vs.

**CONSTANCE JACKSON; FELICIA
ROTELLINI; FRED YAMASHITA;
JAMES MCLAUGHLIN; JONATHAN
NEZ; LUIS ALBERTO HEREDIA; NED
NORRIS; REGINA ROMERO; SANDRA D.
KENNEDY; STEPHEN ROE LEWIS; and
STEVE GALLARDO;**

Defendants.

Case No. CV 2020-015285

**APPLICATION FOR ORDER TO SHOW
CAUSE AND
FOR ORDER GRANTING
ALTERNATIVE SERVICE OR SERVICE
BY PUBLICATION**

Together with the Verified Petition for Rule 27 Discovery filed herewith, Plaintiff hereby respectfully requests an Order to Show Cause as to why the Court should not issue, pursuant to Rule 27, an order directing the clerk to issue a subpoena under Rule 45 for a reasonable inspection (sampling) of mail-in ballots, specifically including their signed envelopes (and/or scans thereof) and of the county's signatures on file for comparison; as well as an inspection of



COPY

NOV 24 2020

CLERK OF THE SUPERIOR COURT
MARICOPA COUNTY
PHOENIX, ARIZONA

1 “duplicate” ballots as compared to the original ballots from which they were “duplicated,” for
2 Congressional District 5/Queen Creek in particular. The reasons for this Application are as set
3 forth in the Verified Petition filed herewith.

4 Pursuant to Rules 4.1(k), 27(a)(3), Plaintiff also requests that the Court order that
5 Defendants may be served by alternative service or service by publication. Rule 27(a)(3)
6 expressly provides that “if service cannot be made with reasonable diligence on an expected
7 adverse party, the court may order service by publication or otherwise.” Here, Plaintiff would
8 need to personally serve eleven (11) presidential electors from across the State in very short
9 order. While Plaintiff is making every reasonable attempt to serve them, an order allowing for
10 service by publication is eminently appropriate under the circumstances. However, due to the
11 holiday, even service by publication will not occur quickly enough to have this matter properly
12 heard. (See Declaration of Victoria Stevens, attached hereto and incorporated as if set forth
13 herein.) Therefore, Plaintiff also requests that the Court allow service by alternative means,
14 specifically by mailing copies of the pleadings to the Defendants and posting a copy of the
15 pleadings on a publicly-accessible website.¹ A proposed form of Order is submitted herewith.

16 Finally, given the holidays, Plaintiff expects that this matter may have to be “converted”
17 in a formal Elections Contest on November 30th by the filing of an Amended Complaint and is
18 prepared to discuss these “logistical”/scheduling issues (amongst others) as soon as a hearing is
19 set in this matter.

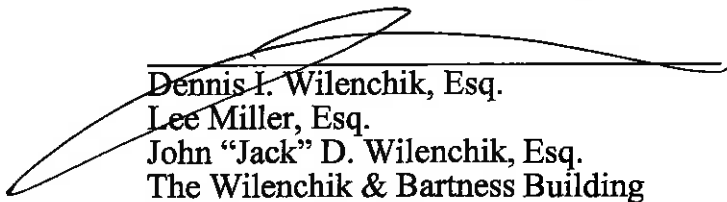
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25 ¹ This matter is likely to attract attention by media, which also heightens the likelihood that all
26 Defendants will be actually aware of it.

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RESPECTFULLY SUBMITTED this 24th day November, 2020.

WILENCHIK & BARTNESS, P.C.


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admin@wb-law.com
Attorneys for Plaintiff

ORIGINAL of the foregoing filed
this 24th day of November, 2020, with:

The Clerk of the Superior Court
Maricopa County Superior Court
201/101 West Jefferson Street
Phoenix, Arizona 85003

By 

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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

ANTHONY T. KERN, GREG SAFSTEN,
JAKE HOFFMAN, JAMES LAMON,
KELLI WARD, LORRAINE PELLIGRINO,
MICHAEL WARD, NANCY COTTLE,
ROBERT MONTGOMERY, SAMUEL I.
MOORHEAD, and TYLER BOWYER,

Plaintiffs;

vs.

CONSTANCE JACKSON; FELICIA
ROTELLINI; FRED YAMASHITA;
JAMES MCLAUGHLIN; JONATHAN
NEZ; LUIS ALBERTO HEREDIA; NED
NORRIS; REGINA ROMERO; SANDRA D.
KENNEDY; STEPHEN ROE LEWIS; and
STEVE GALLARDO;

Defendants.

Case No. _____

**DECLARATION OF
VICTORIA M. STEVENS**

I, Victoria M. Stevens, hereby declare as follows:

1. I am a paralegal at the law firm of Wilenchik & Bartness, P.C. located in Phoenix, Arizona.

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2. I personally contacted a number of newspapers in this county regarding how quickly they could publish notice of this suit. At this point, the earliest date by which notice can be published is on Wednesday, December 2nd, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 24th day of November, 2020.



Victoria M. Stevens