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11 *Attorneys for Plaintiffs*
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

15 Tyler Bowyer, Michael John Burke, Nancy
16 Cottle, Jake Hoffman, Anthony Kern,
17 Christopher M. King, James R. Lamon, Sam
18 Moorhead, Robert Montgomery, Loraine
Pellegrino, Greg Safsten, Salvatore Luke
Scarmardo, Kelli Ward and Michael Ward;

19 Plaintiffs;

20 v.

21 Doug Ducey, in his official capacity as
22 Governor of the State of Arizona, and Katie
Hobbs, in her capacity as Secretary of State
of the State of Arizona;

23 Defendants;

24 Maricopa County Board of Supervisors;
25 and Adrian Fontes, in his official capacity
26 as Maricopa County Recorder;

27 Intervenors.

Case No.: 2:20-cv-02321-DJH

**PLAINTIFFS' MOTION FOR
HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

28 ¹ District of Arizona admission scheduled for 12/9/2020.

1 COMES NOW Plaintiffs, by and through undersigned counsel, and moves the Court
2 to schedule a hearing on Plaintiffs' motion for a preliminary injunction on December 8,
3 2020 after oral arguments on the motions to dismiss per the court's order dated December
4 5, 2020 [Dkt No. 43]. This Motion is brought pursuant to FRCP 65.

5 In support, Plaintiffs show:

6 1) Plaintiffs' filed a Motion for Temporary Restraining Order, Motion for Preliminary
7 Injunction on December 2, 2020 to, among other things, decertify the 2020 elections
8 results. [Doc-2].

9 2) Plaintiffs also filed a Motion to Seal on December 2, 2020 [Doc-14].

10 3) On December 5, 2020, the Court issued a minute order rescheduling a scheduled
11 hearing: IT IS ORDERED the Hearing set for Tuesday, December 8, 2020 at 9:15 AM on
12 Plaintiffs' Motion for Temporary Restraining Order [Doc. 28] is hereby converted to Oral
13 Argument on the pending Motions to Dismiss [Docs. 36, 37, 38, 40.]

14 4) Each of Defendants' Motions, 36, 37, 38 and 40, set for argument, constitute a
15 Motion to Dismiss and a Response to Plaintiffs' Motion for Temporary Restraining Order
16 and Preliminary Injunction.

17 5) The Court further issued the minute order to say: IT IS FURTHER ORDERED the
18 Hearing on Plaintiffs' Motion for Temporary Restraining Order [Doc. 2] is reset to
19 Thursday, December 10, 2020 at 9:30 AM.

20 6) The parties have fully briefed the Motion for Preliminary Injunction filed December
21 2, 2020.

22 7) Plaintiffs move, pursuant to FRCP 65, for a hearing on their motion for a preliminary
23 injunction which seeks, among other things, an order decertifying the 2020 Arizona
24 presidential election results. Plaintiffs are Arizona's Republican Presidential electors.
25 Electors are seated and vote for President on December 14, 2020. If Plaintiffs' preliminary
26 injunction motion is not set for a hearing immediately, there will be insufficient time for
27 this court to rule and for the parties to obtain appellate review before the claims asserted
28 become moot.

1 8) All parties are on notice of the current date for arguments.

2 9) The parties met to confer on December 6, 2020, and discussed merit-based hearing
3 issues and have exchanged exhibits and witness lists.

4 10) There is no prejudice to Defendants since the Plaintiffs' Motion is fully briefed on
5 the preliminary injunctive relief.

6 11) Accordingly, Plaintiffs respectfully request the Court to schedule a hearing on their
7 motion for a preliminary injunction commencing December 8, 2020, after oral arguments
8 on the motions to dismiss.

9 Respectfully submitted this 7th day of December, 2020

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11
12 /s/ Howard Kleinhendler

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19 *Application for admission pro hac vice
20 forthcoming

21 Of Counsel:
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25 *Application for admission pro hac vice Forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that on December 5th, 2020, I electronically transmitted the foregoing document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants on record.

By: /s/ Chris Viskovic

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Tyler Bowyer, Michael John Burke, Nancy Cottle,
Jake Hoffman, Anthony Kern, Christopher M.
King, James R. Lamon, Sam Moorhead, Robert
Montgomery, Loraine Pellegrino, Greg Safsten,
Salvatore Luke Scarmardo, Kelli Ward and
Michael Ward;

Plaintiffs,

v.

Doug Ducey, in his official capacity as Governor
of the State of Arizona, and Katie Hobbs, in her
capacity as Secretary of State of the State of
Arizona;

Defendants.

Maricopa County Board of Supervisors; and
Adrian Fontes, in his official capacity as
Maricopa County Records;

Intervenors.

Case No. 2:20-cv-02321-DJH

**PROPOSED ORDER
GRANTING PLAINTIFFS'
MOTION FOR HEARING ON
MOTION FOR PRELIMINARY
INJUNCTION**

THE COURT has before it Plaintiffs' Motion for Hearing on Motion for Preliminary Injunction filed December 7, 2020.

For the reasons set forth in Plaintiffs' Motion for Hearing on Motion for Preliminary Injunction and good cause appearing:

IT IS HEREBY ORDERED THAT:

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1. A hearing on Plaintiffs’ Motion for Preliminary Injunction be held on December 8, 2020 after oral arguments on the Motions to Dismiss.

DATED this _____ day of _____, 2020.

Honorable _____
United States District Judge