

1 Sidney Powell (admitted pro hac vice)
Sidney Powell PC
2 Texas Bar No. 16209700
3 (517) 763-7499
Sidney@federalappeals.com

4
5 Alexander Michael del Rey Kolodin, AZ Bar No. 030826
Alexander.Kolodin@KolodinLaw.com

6 Christopher Viskovic, AZ Bar No. 035860¹
7 CViskovic@KolodinLaw.com

8 **KOLODIN LAW GROUP PLLC**
3443 N. Central Ave. Ste. 1009
9 Phoenix, AZ 85012
Telephone: (602) 730-2985
10 Facsimile: (602) 801-2539
Attorneys for Plaintiffs

11
12 *Attorneys for Plaintiffs*
(Additional counsel listed on signature page)

13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA

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

20 Plaintiffs;

21 v.

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

25 Defendants.

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

**PLAINTIFFS' OPPOSITION TO
REQUEST FOR PRE-HEARING
ORDER**

26
27
28 ¹ District of Arizona admission scheduled for 12/9/2020.

1 Plaintiffs oppose the proposed order submitted by Defendants. The Court ordered
2 the parties to meet and confer “**as to whether agreement can be reached as to**
3 **admissibility of witness affidavits and/or declaration.**” Plaintiffs offered to meet and
4 confer with Defendants’ counsel on Sunday after it has had a chance to review Defendants’
5 submissions and its fact and expert witnesses. Apparently sensing some advantage,
6 Defendants held a meet and confer by themselves this morning, on the entirely separate
7 issue of a scheduling order, despite repeated protest from Plaintiffs’ counsel. This absurd,
8 “I’m the boss, you toe the line,” mentality is offensive not only to the undersigned, but to
9 the judicial process as well.

10 Plaintiffs are not in a position to provide any further documentation or discovery or
11 description of witnesses or anything else asked for by the Defendants until it has had a
12 reasonable time to evaluate the Defendants’ submission and meet with their experts and
13 witnesses. Plaintiffs have submitted extensive documentation to support their claim,
14 Defendants have to date produced no documents to support their defenses.

15 Accordingly, Plaintiffs believe that no scheduling order should be entered as the
16 Court did not order one. We are prepared to meet and confer regarding the items about
17 which the Court ordered a meet and confer, Sunday morning at 10:00 a.m., after briefs have
18 been filed by both sides.

19
20 Respectfully submitted this 4th day of December, 2020

21
22 /s Alexander Kolodin

23 Sidney Powell PC
Texas Bar No. 16209700

Kolodin Law Group PLLC
AZ Bar No. 030826

24 2911 Turtle Creek Blvd, Suite 300
25 Dallas, Texas 75219

3443 N. Central Ave Ste 1009
Phoenix, AZ 85012

26 *Application for admission pro hac vice
forthcoming

27 Of Counsel:
28 Emily P. Newman (Virginia Bar No. 84265)
Julia Z. Haller (D.C. Bar No. 466921)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Brandon Johnson (D.C. Bar No. 491730)

2911 Turtle Creek Blvd. Suite 300
Dallas, Texas 75219

*Application for admission pro hac vice Forthcoming

L. Lin Wood (Georgia Bar No. 774588)
L. LIN WOOD, P.C.
P.O. Box 52584
Atlanta, GA 30305-0584
Telephone: (404) 891-1402

Howard Kleinhendler (New York Bar No. 2657120)
Howard Kleinhendler Esquire
369 Lexington Ave. 12th Floor
New York, New York 10017
(917) 793-1188
howard@kleinhendler.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 2nd, 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