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U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered by McCauley, Daniel on 12/1/2022 at 12:49 PM MST and filed on 12/1/2022

Case Name: Plaintiff v. Defendant

Case Number: 4:22-at-99912

Filer:

Document Number: 2

Docket Text:

New Notice of Removal documents submitted. Filing fee received: \$ 402, receipt number AAZDC-21363200. Plaintiff: HOBBS, Defendant: CROSBY. (McCauley, Daniel)

No public notice (electronic or otherwise) sent because the entry is private

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=12/1/2022] [FileNumber=24048031-0] [03d9ebc16c4046d7a9aadffe7b3a0721a2d51abeee2712f3c32e6b6c4c6a5142e353e3ca2d2af4ab0dba7e4b81087c40653ebaa3989510f53d9a93e971054b21]]

Document description:Civil Cover Sheet

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=12/1/2022] [FileNumber=24048031-1] [4c18f42dc216569d523f2056d8aaa6bab684bf11fa5921a4af2efee085858d921746c61598431a3e72bd6eab8f79473293677b9a5b8fe6dd61384a1411eb92fb]]

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7 *Attorneys for Defendants*
8 *Tom Crosby, Ann English, and Peggy Judd,*
9 *In their official capacities as the Cochise County Board of Supervisors*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 KATIE HOBBS, in her official capacity
13 as Arizona Secretary of State,

14 Plaintiffs,

15 v.

16 TOM CROSBY, ANN ENGLISH,
17 PEGGY JUDD, in their official capacities
18 as members of the Cochise County Board
19 of Supervisors, and COCHISE COUNTY,
20 a political Subdivision of Arizona

21 Defendants.

Case No.:

NOTICE OF REMOVAL

State Court Case No.: CV 202200553

22 To Plaintiff Katie Hobbs, in her official capacity as Arizona Secretary of State
23 (collectively "Plaintiffs"):

24 PLEASE TAKE NOTICE THAT pursuant 28 U.S.C. § 1441(a), defendants Tom
25 Crosby, Ann English, and Peggy Judd, in their official capacities as the Cochise County Board
26 of Supervisors (collectively "Defendants"), removes case CV2022005523 from Superior Court
27 of the State of Arizona in and for the County of Cochise to the United States District Court for
28 the Eastern District of Arizona.

Removal is required pursuant to the jurisdiction placed on the Federal Courts by 28
U.S.C. § 1331 et. seq. by a federal question raised on the face of Plaintiff's complaint of

1 whether or not the machines were tested by approved laboratories accredited under the Help
2 America Vote act of 2002, pursuant to Ariz. Rev. Stat. § 16-442.

3
4 **GROUNDS FOR REMOVAL**

5 Under 28 U.S.C. § 1441(a), a defendant may remove an action to federal court if the
6 district court has original jurisdiction. *Hunter v. Phillip Morris USA*, 582 F.3d 1039, 1042 (9th
7 Cir. 2009) (quoting *Ansley v. Ameriquest Mortg. Co.*, 340 F.3d 858, 861 (9th Cir. 2003)).

8 Pursuant to 28 U.S.C. § 1446(b), Defendant files this notice of removal timely, within
9 30 days after the receipt by the defendant a copy of the initial pleading setting forth the claim
10 for relief upon which such action or proceeding is based.

11 As required by 28 U.S.C. § 1446(a) and local Rules, copies of all process, pleadings,
12 and orders and other papers or exhibits filed in the State Court lacks jurisdiction pursuant to
13 matters with the following issues:

14 28 U.S.C. § 1331 (Federal Question)

15 Incorporated by reference is Plaint Complaint, which invokes this courts jurisdiction on
16 the face of the record as follows:

17 ¶ 14. Federal law allegations

18 a. ¶ 14 of Plaintiff's complaint states in pertinent part: "The Secretary of State has
19 even provided to the Board the certification and accreditation information for the machines
20 used in Cochise County during the 2022 general election Ex. B."

21 b. Exhibit B attaches a letter from Mark Robbins, Interim Director of the U.S.
22 Election Assistance Commission, along with a Certificate of Accreditation document from the
23 United States Election Assistance Commission.

24 c. Also attached by reference is a letter from Susan Parmer State Certification
25 Manager to Kattie Hobbs dated November 5, 2019, expressing "The Secretary of State's
26 Equipment Certification Advisory Committee, appointment by my pursuant to A.R.S 16-442,
27
28

LAWSON

1 Q. I requested that you look for that document and
2 report back to the grand jury what you were able to find
3 out about it. Can you tell the grand jury what you have
4 been able to learn?

5 A. ^{KNUTH} I researched at great length, trying to find
6 evidence of this document being legitimate and being a
7 formal, real document and I could find no such evidence.

8 Q. There is a copy that is available online, but
9 there's no corresponding thing that indicates it was filed
10 or that a federal case exists, at least not that you were
11 able to locate?

12 A. Not that I've found in any of my research.

13 Q. And that was a document which would purport to
14 remove the matter from -- on December 1 from Judge
15 McGinley's court to the US District Court. Is that
16 correct?

17 A. Yes.

18 Q. And you -- again, you're not able to confirm that
19 that document was filed or exists?

20 A. No. There's nothing -- there's no official seals
21 on the document or anything. And I researched every angle
22 I could into federal court cases and from the backside of
23 state court cases. I could find nothing.

24 And the document number was very strange as
25 well. It didn't look like an official number.