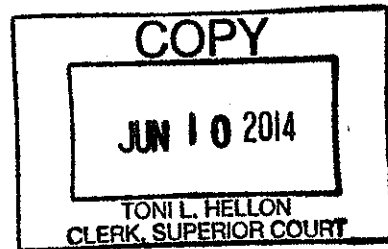


1 Firm email address: sbarnette@jrogerslaw.com
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4 Tucson, Arizona 85701
5 (520) 624-4700

6 Jeffrey J. Rogers
7 State Bar No. 015272/PC No. 64804

8 Attorney for Plaintiff



9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF PIMA**

11 PAUL HILTS, an individual and
12 qualified elector,

13 Plaintiff,

14 vs.

15 ETHAN ORR, Real Party in
16 in Interest; KENNETH BENNETT,
17 in his official capacity as Arizona
18 Secretary of State; F. ANN
19 RODRIGUEZ, in her official capacity
20 as Pima County Recorder;
21 PIMA COUNTY BOARD OF
22 SUPERVISORS; ALLY MILLER,
23 in her official capacity as supervisor
24 in District 1; RAMON VALADEZ,
25 in his official capacity as supervisor in
26 District 2; SHARON BRONSON, in her
27 official capacity as supervisor in District
28 3; RAY CARROLL, in his official capacity
as supervisor in District 4; RICHARD
ELIAS, in his official capacity as
supervisor in District 5; BRAD NELSON,
in his official capacity as Pima County
Elections Director,

Defendants.

No:

C20143190

ORDER TO SHOW CAUSE

**RE: PRELIMINARY INJUNCTION/
PERMANENT INJUNCTION;
ORDER DIRECTING SERVICE**

(Assigned to:

"To Be Assigned"

1 Plaintiff, having filed with this Court a verified statutory action for injunction
2 (election challenge), which challenges the candidacy of the Real Party in
3 Interest, and the respective statute requiring such hearing to be held within ten days of
4 this date,

5 IT IS HEREBY ORDERED that Defendants, including Real Party in Interest
6 ETHAN ORR, shall appear before this Court on _____, the 18 day
7 of June, 2014, at the hour of 9:00 AM, before the
8 Honorable Arizon, Judge of the Superior Court located at
9 110 West Congress, Tucson, Arizona, 85701, to show cause why a Preliminary
10 Injunction/Permanent Injunction contained in the Complaint on file in this matter should
11 not be granted. This setting is for the consideration, hearing, trial and determination
12 of the statutory relief requested in the Complaint.

13 IT IS FURTHER ORDERED that Plaintiff is directed, pursuant to A.R.S. § 16-
14 351(D) to immediately serve a copy of this Order upon the Real Party in Interest, Ethan
15 Orr; Defendants Kenneth Bennett, Secretary of State; F. Ann Rodriguez, Pima County
16 Recorder; Pima County Board of Supervisors and Ally Miller (District 1), Ramon Valadez
17 (District 2), Sharon Bronson (District 3), Ray Carroll (District 4), and Richard Elias
18 (District 5) by serving Robin Brigode, Clerk of the Pima County Board of Supervisors,
19 or her duly appointed agent for service; and, Brad Nelson, Pima County Elections
20 Director

21 IT IS FURTHER ORDERED that any Response, Answer or Reply shall be filed
22 with this Court and served upon Plaintiffs' attorney of record no later than forty-eight
23 (48) hours prior to the hearing.

1 YOU ARE HEREBY NOTIFIED that if you fail to appear and defend in the above
2 court on the date and time set above, a judgment, order and/or relief demanded in the
3 Complaint may be rendered against you.

4 DONE ~~IN OPEN COURT~~ this 10 day of June, 2014.

5 **Hon. Gus Aragón**

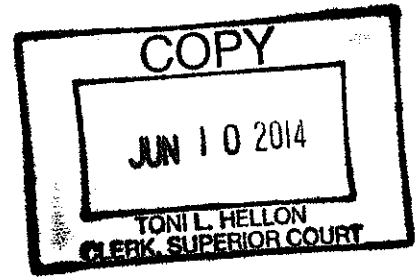
6 JUDGE OF THE SUPERIOR COURT

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9
10 ***REQUEST FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH***
11 ***DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THIS CASE AT***
12 ***LEAST 3 JUDICIAL DAYS IN ADVANCE OF A SCHEDULED PROCEEDING.***
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ELIAS, in his official capacity as
supervisor in District 5; BRAD NELSON,
in his official capacity as Pima County
Elections Director,

Defendants.

No: **C20143190**

**CERTIFICATE RE: COMPULSORY
ARBITRATION**

"To Be Assigned"

(Assigned to:

26 The undersigned certifies that a party seeks affirmative relief other than a
27 monetary judgment. Accordingly, this case is NOT subject to the Uniform Ruled of
28 Procedure for Arbitration.

DATED this 10th day of June, 2014.

JEFFREY J. ROGERS, P.L.C.



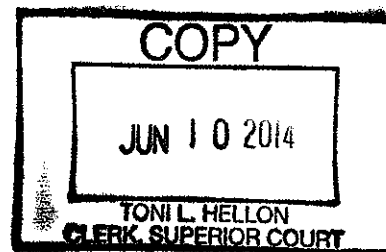
Attorney for Plaintiff

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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF PIMA**

11 PAUL HILTS, an individual and
12 qualified elector,

13 Plaintiff,

14 vs.

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ELIAS, in his official capacity as
supervisor in District 5; BRAD NELSON,
in his official capacity as Pima County
Elections Director,

Defendants.

No: C20143190

**PLAINTIFF'S PETITION FOR
PRELIMINARY INJUNCTION/
PERMANENT INJUNCTION**

(Assigned to: *"To Be Assigned"*)

1 Petitioner, Plaintiff in this case, by and through his attorney undersigned, alleges
2 as follows:

3 1. This Petition is brought by Plaintiff, who is a duly qualified elector residing
4 in Arizona Legislative District 9 in Pima County, Arizona.

5 2. Plaintiff has, simultaneously with this Petition, initiated a Complaint,
6 challenging the nomination petitions of Defendant ETHAN ORR (hereinafter "ORR") to
7 be a candidate for Representative in the Arizona House of Representatives for
8 Legislative District 9 in Pima County, Arizona, in the primary election to be held on
9 August 26, 2014, and the general election to be held on November 4, 2014.

10 3. Plaintiff hereby incorporates by reference the Verified Complaint
11 filed simultaneously herewith.

12 4. Plaintiff requests that this Court issue a Preliminary and/or Permanent
13 Injunction and set an immediate date for a hearing on such matters to determine
14 whether ORR should be placed on the ballot for the primary election to be held on
15 August 26, 2014, and the general election to be held on November 4, 2014. An
16 immediate decision is necessary because ballots must be printed and mailed in early
17 July for absentee voters.

18 5. Any delay in a decision would result in irreparable harm to the Plaintiff
19 and to members of the public in general and would cause confusion concerning
20 whether ORR should be qualified as an elector.

21 6. Plaintiff requests that this Court set a hearing within ten (10) business
22 days of the filing of this Petition, ordering Defendant ORR to show cause, if any
23 he has, why a Preliminary Injunction and/or Permanent Injunction should not issue,
24 determining that he is not a qualified candidate for the general election and striking his
25 name from the ballot for that election.

1 7. This Petition is made pursuant to A.R.S. § 13-2301, *et seq.*, and is
2 further supported by the Verified Statutory Action for Injunction/Complaint to be filed
3 simultaneously herewith.

4 DATED this 10th day of June, 2014.

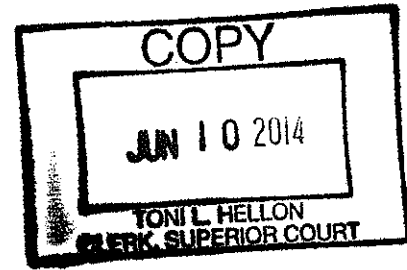
5 JEFFREY J. ROGERS, P.L.C.

6 
7 _____
8 Attorney for Plaintiff

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6 Jeffrey J. Rogers
7 State Bar No. 015272/PC No. 64804



8 Attorney for Plaintiff

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF PIMA**

11 PAUL HILTS, an individual and
12 qualified elector,

13 Plaintiff,

14 vs.

15 ETHAN ORR, Real Party in
16 Interest; KENNETH BENNETT,
17 in his official capacity as Arizona
18 Secretary of State; F. ANN
19 RODRIGUEZ, in her official capacity
20 as Pima County Recorder;
21 PIMA COUNTY BOARD OF
22 SUPERVISORS; ALLY MILLER,
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27 official capacity as supervisor in District
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as supervisor in District 4; RICHARD
ELIAS, in his official capacity as
supervisor in District 5; BRAD NELSON,
in his official capacity as Pima County
Elections Director,

Defendants.

No:

620143190

VERIFIED STATUTORY ACTION
FOR INJUNCTION

COMPLAINT

(Election Challenge)

Preference: A.R.S. §16-351(A)

To Be Assigned

(Assigned to:)

Plaintiff hereby alleges as follows:

1. The Superior Court of the State of Arizona in and for the County of Pima has original jurisdiction of this matter pursuant to A.R.S. Section 16-351, *et seq.*; A.R.S. Section 16-311 and the Arizona Constitution, Article 6, Section 14.

1 2. The Plaintiff, PAUL HILTS, is a duly qualified elector who
2 resides within Arizona State Legislative District 9 in Pima County, Arizona.

3 3. The Defendants KENNETH BENNETT, Secretary of State,
4 F. ANN RODRIGUEZ, Pima County Recorder, Pima County Supervisors
5 ALLY MILLER, RAMON VALADEZ, SHARON BRONSON, RAY CARROLL, RICHARD
6 ELIAS and BRAD NELSON, Pima County Elections Director, are named solely in their
7 official capacity and who, in such official capacity, have the statutory and administrative
8 duties for determining those legally qualified candidates to be placed upon the official
9 election ballot.

10 4. The individual Defendant and Real Party in Interest ETHAN ORR is a
11 resident of Pima County and Legislative District 9 who has filed nominating petitions
12 as a Republican candidate for election to the position of Representative in the Arizona
13 House of Representatives for Legislative District 9 in Pima County Arizona, in the
14 August 26, 2014, primary election and in the November 4, 2014, general election.

15 5. A.R.S. §16-322(A)(3) sets forth the number of petition signatures required
16 of a person submitting nomination petitions who is a registered member of a political
17 party as "at least one percent but not more than three percent of the total voter
18 registration of the party designated in the district from which the member of the
19 legislature may be elected."

20 6. A.R.S. § 16-321(B) states that "for the purposes of petitions filed pursuant
21 to §§16-312, 16-313, 16-341, each signer of a nomination petition shall be a voter who,
22 at the time of signing, is a registered voter in the electoral district of the office the
23 candidate is seeking."

24 7. In the case of a person seeking to run as a registered member of a
25 political party, A.R.S. § 16-321(D) provides that ". . . if for a partisan election, that each
26 signer is a member of the party from which the candidate is seeking nomination, or the
27 signer is a member of the political party that is not entitled to continued representation
28

1 on the ballot pursuant to section 16-804 or the signer is registered as independent or no
2 party preferred.”

3 8. The Secretary of State has determined that the minimum number of
4 signatures required for nomination for a Republican candidate for the Arizona House
5 of Representatives District 9 is 361 valid signatures. **See Exhibit 1.**

6 9. Individual Defendant and Real Party in Interest Ethan Orr filed a
7 Statement of Organization as a Candidate on January 23, 2012, and then on January
8 27, 2014, amended the statement, and on May 23, 2014, filed Petitions containing 634
9 signatures for the office of Representative in the Arizona House of Representatives for
10 Legislative District 9 in Pima County Arizona. **See Exhibits 2 and 3, respectively.**

11 10. This action is to challenge the validity of some of the petitions and
12 nominating signatures filed by Defendant Ethan Orr. A copy of those nomination
13 petitions are attached hereto as **Exhibit 4** to this Complaint.

14 11. Pursuant to A.R.S. § 16-351(A), **Exhibits 5 and 6** attached hereto
15 contain a listing of the petition page number, line number and basis for the challenge to
16 each signature being individually challenged. It is incorporated by reference.

17 12. **Exhibit 7** attached hereto is another copy of Defendant ORR's Petitions
18 with a code to the left of each challenged signature which indicates the reason why each
19 signature is invalid. **See also Exhibit 8, which explains the coding.**

20 13. In summary, Plaintiff challenges as invalid 303 signatures in Orr's petitions
21 on the pages and lines set forth in Exhibits 5 and 6 for the following reasons:

- 22 A. One hundred and twenty three (123) signatures are of persons who
23 do not live in Legislative District 9 and are not registered in
24 Legislative District 9, A.R.S. §16-321(B);
- 25 B. Eighty three (83) additional signatures are people who are not
26 registered at all, even if the addresses appear to be within
27 Legislative District 9, A.R.S. §16-321(B);
- 28

- 1 C. Fifteen (15) signatures represent persons whose listed address on
2 the petitions is not the address at which they are registered to vote.
3 It is unclear whether these voters are indeed registered to vote
4 within Legislative District 9 and are eligible electors to sign petitions
5 within Legislative District 9, *A.R.S. §16-351(E)*
6 D. Six (6) signatures are persons who previously signed the petition of
7 Ethan Orr, *A.R.S. §16-321(C) and 341(C)*; and,
8 E. Sixty one (61) signatures are from persons who are registered with
9 another recognized party and are thus ineligible to sign a
10 Republican petition. *A.R.S. § 16- 321(D)*.
11 F. Fifteen (15) other signatures are illegible, incomplete or otherwise
12 invalid.

13 14. Defendants Kenneth Bennett, in his capacity as Secretary of State; F. Ann
14 Rodriguez, in her official capacity as Pima County Recorder; Pima County Board of
15 Supervisor; Ally Miller, in her official capacity as supervisor in District 1; Ramon Valadez,
16 in his official capacity as supervisor in District 2; Sharon Bronson, in her official capacity
17 as supervisor in District 3; Ray Carroll, in his official capacity as supervisor of district 4;
18 Richard Elias, in his official capacity as supervisor of district 5, and Brad Nelson, in his
19 official capacity as Pima County Elections Director, are responsible for accepting the
20 nominating petitions of the Candidates, or are responsible for the printing of the official
21 ballot containing the challenged Candidate's name, or the agent to receive service of
22 process for this action.

23 15. Defendant Ethan Orr has failed to file the required number of
24 valid nominating signatures to seek the office of Representative in the Arizona House
25 of Representatives for Legislative District 9 in Pima County Arizona. As a result,
26 Defendant Ethan Orr is not qualified to be a candidate for that office, and he is not
27 qualified to be placed on the official ballot for that office.
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16. Unless this Court issues a temporary restraining order and sets a time for a hearing to issue a preliminary injunction to permanently enjoin Defendants, their attorneys, officers, agents, servants, employees, and any and all persons in concert or participation with them from printing or placing Defendant Ethan Orr's name on any of the official voting ballots for the elected office of Representative in the Arizona House of Representatives for Legislative District 9 in Pima County Arizona, immediate and irreparable injury, loss and damage will result since Ethan Orr is not qualified to be a candidate for that office.

9
10
17. Plaintiff has no adequate remedy at law unless this injunction is immediately issued.

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18. A preliminary injunction should issue and/or immediate trial should be held.

12
WHEREFORE, Plaintiff requests the Court to issue the following relief:

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A. To issue an order declaring that Defendant Ethan Orr has failed to qualify as a candidate for the office of Representative in the Arizona House of Representatives for Legislative District 9 in Pima County Arizona by failing to file the required number of valid nominating signatures and therefore ordering his name to be stricken from the official voting ballot for Representative in the Arizona House of Representatives for Legislative District 9 in Pima County Arizona

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B. To issue a preliminary injunction order preventing Defendant Kenneth Bennett, Secretary of State, from printing the official ballot containing the name of Ethan Orr for the office of Representative in the Arizona House of Representatives for Legislative District 9 in Pima County Arizona

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C. To issue a permanent injunction, after hearing, permanently preventing Defendant Kenneth Bennett, Secretary of State, from printing the official ballot for the November 4, 2014, general election containing the name of Ethan Orr for the office of Representative in the Arizona House of Representatives for Legislative District 9 in Pima County Arizona.

DATED this 10th day of June, 2014.

JEFFREY J. ROGERS, P.L.C.



Jeffrey J. Rogers
Attorney for Plaintiff

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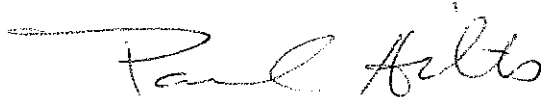
VERIFICATION

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

PAUL HILTS, being first duly sworn upon his oath, states as follows:

He is the Plaintiff in the above-captioned matter and has read the foregoing Verified Statutory Action for Injunction/Complaint; he knows the contents thereof and they are true to the best of his knowledge, except for those matters alleged upon information and belief, and as for those he believes they are true also.

Further affiant sayeth naught.



PAUL HILTS

SUBSCRIBED AND SWORN to before me this 10th day of June, 2014
by Paul Hilts.



Notary Public

My Commission Expires:
July 22, 2014

