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10 *Attorney for Cochise County and Lisa Marra, in her official capacity as Cochise County*  
11 *Elections Director*

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA, TUCSON DIVISION**

14 Kathleen Hoffard,  
15 Plaintiff,  
16  
17 vs.  
18 Cochise County, Arizona; Lisa Marra,  
19 In her official capacity as Director of  
20 Cochise County Elections Department,  
21  
22 Defendants.

23 **No. 4:20-CV-00243-SHR**

24 **DECLARATION OF**  
25 **CHRISTINE J ROBERTS IN**  
**SUPPORT OF DEFENDANTS'**  
**REPLY TO PLAINTIFF'S**  
**RESPONSE IN OPPOSITION TO**  
**MOTION TO DISMISS FIRST**  
**AMENDED COMPLAINT**

**Assigned to the Honorable**  
**Judge Scott H. Rash**

26 I, CHRISTINE J. ROBERTS, DECLARE:

27 1. I am an attorney licensed to practice in Arizona. I am the Chief Civil Deputy  
28 of the Civil Division of the Cochise County Attorney's Office. I am over the age of 18,  
29 and if called as a witness, I could and would testify competently to the facts stated herein,  
30 all of which is my personal knowledge.

1           2.     I am counsel of record for Defendants Cochise County and Lisa Marra, in  
2 her official capacity as Cochise County Elections Director, in this lawsuit.

3           3.     After exchanging several telephone voicemail messages over several days  
4 with Ms. Rose Daly-Rooney, On July 29, 2020, Ms. Daly-Rooney and I had a detailed  
5 discussion about the lawsuit and Complaint (Doc. 1) that Arizona Center for Disability  
6 Law (“ACDL”) filed in this matter on June 3, 2020, but had not yet served process on  
7 Defendants. Ms. Daly-Rooney and I discussed our respective positions in the lawsuit and  
8 whether we could reach a settlement. At that time, I explained to Ms. Daly-Rooney that  
9 under the law, Defendants were not required to offer curbside voting and that the County  
10 would be defending the lawsuit. She did not agree. We agreed that we saw the matter  
11 differently and that Plaintiff would go ahead and serve process and the Court would  
12 decide.  
13  
14

15           4.     On August 31, 2020, Defendants were personally served with Plaintiff’s  
16 First Amended Complaint for Injunctive and Declaratory Relief (“FAC”) (Doc. 7), while  
17 I was out of the office from August 29, 2020 through September 8, 2020.  
18

19           5.     Upon my return to the office, I reviewed the FAC and did not find that it  
20 was substantially different than the original Complaint. I did not believe that I needed to  
21 call Ms. Daly-Rooney to discuss the FAC in light of our July 29, 2020 conversation and I  
22 inadvertently overlooked L.R.Civ.P. 12.1(c) that provides that the moving party must  
23 discuss the issues with opposing party before filing a motion to dismiss under Federal  
24  
25

1 Rule of Civil Procedure, Rule 12(b)(6). Consequently, I did not have any discussions with  
2 Ms. Daly-Rooney about the FAC.

3 6. The oversight as to the local rule was neither intentional nor malicious.

4 7. On September 21, 2020, I filed my Notice of Appearance in this matter  
5 (Doc. 10) and Defendants' Motion to Dismiss Plaintiff's First Amended Complaint for  
6 Injunctive and Declaratory Relief (Doc. 11).  
7

8 8. On October 1, 2020, I had a telephone conversation with Ms. Daly-Rooney,  
9 in which she informed me that she was going to ask the Court to strike the Motion to  
10 Dismiss because I did not comply with L.R.Civ.P. 12.1(c). She asked me to withdraw the  
11 Motion to Dismiss, but did not offer to stipulate to extend Defendant's time to respond.  
12 We had no discussion on that point.  
13

14 9. I declined to withdraw the Motion to Dismiss and said I would address and  
15 explain my position to the Court. Because the Court's deadline to file a responsive  
16 pleading under L.R.Civ.P. 7.2 (c) had already passed, I did not believe that I could or  
17 should withdraw the motion without waiving or jeopardizing Defendants' opportunity to  
18 respond to this lawsuit.  
19

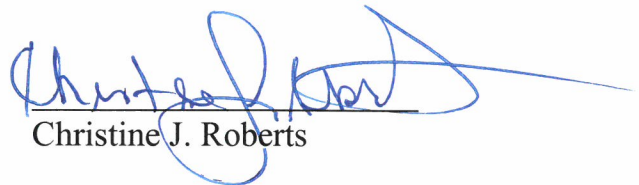
20 10. If Defendants' Motion to Dismiss is converted to a motion for summary  
21 judgment, the Court should consider the following facts:

- 22 • All 17 Vote Centers are fully ADA accessible and ADA compliant,  
23 following all federal guidelines and standards;  
24  
25

- There are no paper ballots at the Vote Centers because there are over 500 different ballot styles, making it impossible and impracticable for the County to store paper copies of each ballot style at every one of its vote centers.
- The County does not have ballot on demand, nor does it have the required wi-fi capability to have ballot on demand at its 17 Vote Centers throughout the mostly rural county.
- The County offers early *in-person* voting at the County Recorder's Office.

Pursuant to 28. U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2020, in Bisbee, Arizona.



Christine J. Roberts