

1 ADVOCATES FOR FAITH & FREEDOM

2 Robert H. Tyler (SBN 179572)

3 btyler@faith-freedom.com

4 Julianne Fleischer (SBN 337006)

5 jfleischer@faith-freedom.com

6 25026 Las Brisas Road

7 Murrieta, California 92562

8 Telephone: (951) 600.2733

9 Facsimile: (951) 600.4996

10 TYLER LAW, LLP

11 Emma F. Plotnik (SBN 341718)

12 eplotnik@tylerlawllp.com

13 25026 Las Brisas Road

14 Murrieta, California 92562

15 Telephone: (951) 600.2733

16 Facsimile: (951) 600.4996

17 Attorneys for Petitioners Election Integrity Project California,
18 Inc., et al.

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

20 **FOR THE COUNTY SACRAMENTO**

21 ELECTION INTEGRITY PROJECT
22 CALIFORNIA, INC.; LARRY LEWIS, an
23 individual; COLETTE CASEY, an individual;
24 ELLEN SWENSEN, an individual; THOMAS
25 D. PAVICH an individual; and CHARLES
26 SHINN, an individual,

27 Petitioners,

28 v.

29 SHIRLEY WEBER, CALIFORNIA
30 SECRETARY OF STATE; BOB PAGE,
31 ORANGE COUNTY REGISTRAR OF
32 VOTERS; DEAN LOGAN, LOS ANGELES
33 COUNTY REGISTRAR-
34 RECORDER/COUNTY CLERK; ART
35 TINOCO, RIVERSIDE COUNTY
36 REGISTRAR OF VOTERS; AIMEE X.
37 ESPINOZA, KERN COUNTY AUDITOR-
38 CONTROLLER-COUNTY CLERK; and
39 MICHELLE BALDWIN, TULARE COUNTY
40 REGISTRAR OF VOTERS,

41 Respondents,

Case No.: 24WM000168

**DECLARATION OF EMMA F. PLOTNIK
IN SUPPORT OF *EX PARTE*
APPLICATION FOR ORDER
SHORTENING TIME**

PRIORITY ELECTION MATTER
(Cal. Elec. Code § 13314)

ACTION REQUIRED BY:
December 5, 2024

Date: TBD
Time: TBD
Dept.: 21

I, Emma F. Plotnik, the undersigned declare as follows:

1 1. I am over the age of eighteen years, and I am not a party to this action. I am a member
2 of the bar of the State of California, and I am an attorney at Tyler Law, LLP, counsel of record,
3 alongside Advocates for Faith & Freedom, for Petitioners Election Integrity Project California, Inc.
4 (“EIPCa”); Larry Lewis, an individual (“Lewis”); Colette Casey, an individual (“Casey”); Ellen
5 Swensen, an individual (“Swensen”); Thomas D. Pavich, an individual (“Pavich”); and Charles
6 Shinn (“Shinn”), an individual (and collectively “Petitioners”). I make this declaration based upon
7 my personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify
8 competently thereto.

9 2. I make this declaration in support of Petitioners’ *Ex Parte* Application for Order
10 Shortening Time, pursuant to California Rules of Court, Rule 3.1200, *et seq.*; Code of Civil
11 Procedure §§ 35 and 1005(b); Elections Code § § 13314, and 15372.

12 3. I am one of the attorneys responsible for handling this case on behalf of the firm on
13 a day-to-day basis, which includes maintaining and managing the contents of our litigation file for
14 this case. I am familiar with all aspects of the pleadings that have been exchanged in this action and
15 all files were maintained in the usual custom and practice our firm has adopted for managing case
16 files.

17 4. I have reviewed a copy of the Statement of the Vote prepared by the California
18 Secretary of State for the November 8, 2022, general election. A true and correct copy of the above-
19 referenced statement is attached to the accompanying Request for Judicial Notice as **Exhibit 1**. I
20 obtained **Exhibit 1** by accessing the following URL on the California Secretary of State’s website:
21 <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/complete.pdf> on or about November 5, 2024.

22 5. I have reviewed a copy of the Election Administration and Voting Survey 2022
23 Comprehensive Report prepared by the United States Election Assistance Commission Report to
24 the 118th Congress. A true and correct copy of the above-referenced report is attached to the
25 accompanying Request for Judicial Notice as **Exhibit 2**. I obtained **Exhibit 2** by accessing the
26 following URL on the United States Election Assistance Commission’s website:
27
28

1 https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf on or about
2 November 5, 2024.

3 6. I previously submitted a declaration in support of Petitioners' Petition for
4 Peremptory Writ of Mandate indicating that, on or about September 26, 2024, my firm was retained
5 by EIPCa to assist them with their Petition for Writ of Mandate. However, in speaking with my co-
6 counsel at Advocates for Faith and Freedom, I learned that I was unfortunately mistaken about what
7 occurred on that date. I now understand that September 26, 2024, was a date on which an initial
8 client consult was requested and took place with my co-counsel, Robert H. Tyler and Julianne E.
9 Fleischer for another matter pertaining to the same client in which my co-counsel is involved. In
10 fact, I now understand that EIPCa retained Advocates for Faith and Freedom on or about the same
11 date that I began working on the matter with Tyler Law, LLP, on or about October 15, 2024, just 15
12 days before the Petition for Peremptory Writ of Mandate was filed, as EIPCa is a nonprofit
13 organization and needed time to seek legal counsel that both met their financial needs and
14 experienced in election law. The clients also informed my co-counsel and me that they wanted to
15 allow time for the Secretary of State to respond to their September 20, 2024 correspondence. Tyler
16 Law, LLP was eventually engaged because Advocates For Faith and Freedom needed assistance
17 from additional attorneys, given that it is a small legal nonprofit with only two full-time attorneys.
18 Thus, it took myself and the other attorneys from October 15, 2024 until the filing date of
19 Petitioners' Petition on or about October 30, 2024 to collectively review the client file, perform
20 related research, and interview the multiple Petitioners and declarants whose testimony is critical to
21 Petitioners' theories of liability and requested relief.

22 7. After filing the Petition for Peremptory Writ of Mandate and Memorandum of Points
23 and Authorities (Opening Brief) toward the close of business on October 30, 2024 and by the time
24 my process server could arrive at the court and file over the counter, I notified the clerk of court,
25 Melissa Garcia, on the morning of October 31, 2024 that an election writ had been filed. I received
26 and reviewed a court order issued later that day, denying Petitioners' request for a hearing date with
27 an "action required by" date of November 6, 2024. Thus, I sought to reserve a date for an *ex parte*
28

1 hearing with Ms. Garcia on November 1, 2024, who informed me to simply file the present
2 Application, as the next available hearing date on the merits for Petitioners’ Petition for Peremptory
3 Writ of Mandate was not until February 14, 2025. While Petitioners originally requested an “Act
4 By Date” on or before November 6, 2024 on behalf of Petitioners because of the requirement that
5 election officials begin transmitting elections results to Secretary of State at intervals no greater than
6 two hours following the election on November 5, 2024 (Elec. Code § 15151), I bring the present *Ex*
7 *Parte* Application for an Order Shortening Time on Petitioners’ behalf, as Petitioners seek a hearing
8 date on the merits of their Petition on or before December 5, 2024 so that the Court may consider
9 the papers, and if necessary, appoint a special master, to ensure that Respondents perform their
10 ministerial duties, before the county elections officials certify election results. (Elec. Code,
11 § 15372.)

12 8. On November 4, 2024, I gave notice to Respondents, Shirley Weber, California
13 Secretary of State; Art Tinoco, Riverside County Registrar of Voters; Dean C. Logan, Los Angeles
14 County Registrar-Recorder; Aimee X. Espinoza, Kern County Auditor-Controller-County Clerk;
15 and Bob Page, Orange County Registrar of Voters by emailing their counsel. After a diligent search,
16 I was unable to locate counsel for Michelle Baldwin, Tulare County Registrar of Voters. As of the
17 date of this Application, I have not received a response from County Counsel for the County of
18 Tulare as to a proper contact for the present matter. Accordingly, I gave notice to Tulare County’s
19 County Counsel offices via email and sent a letter to the Tulare County Registrar of Voter’s
20 registered agent via overnight mail. The emails and letters transmitted to Respondents informed
21 them of the *Ex Parte* Application, the relief to be sought, and that the application would be made as
22 soon as may be heard (with a requested hearing date on the merits of Petitioners’ Petition on or
23 before December 5, 2024) by the above-entitled court in Department 21. As of the date of the filing
24 of this Application, I have not heard from counsel for Respondent Shirley Weber, California
25 Secretary of State or Michelle Baldwin, Tulare County Registrar of Voters, and do not know whether
26 Respondents intend to oppose Petitioners’ *Ex Parte* Application. As to the remaining Respondents,
27 Respondents’ counsel notified me that they reserve their right to oppose. Specifically, counsel for
28

1 Art Tinoco, Riverside County Registrar of Voters and Aimee X. Espinoza, Kern County Registrar-
2 Recorder/County Clerk are open to a hearing date prior to February 14, 2025 but will oppose a
3 hearing date shortening their response time to the writ petition. A true and correct copy of the notices
4 I sent via email and overnight mail are attached hereto as Exhibit 9.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and accurate. Executed November 5, 2024, at Murrieta, California.

7 

8 _____
Emma F. Plotnik

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT “9”

Notice of Ex Parte Application for Order Shortening Time: Election Integrity Project, et. al. v. Weber, et. al.

From Emma Plotnik <eplotnik@tylerlawllp.com>

Date Mon 11/4/2024 6:44 PM

To rebecca.leeds@coco.ocgov.com <rebecca.leeds@coco.ocgov.com>; suzy.shoai@coco.ocgov.com <suzy.shoai@coco.ocgov.com>; sfontes@kerncounty.com <sfontes@kerncounty.com>; John.Echeverria@doj.ca.gov <John.Echeverria@doj.ca.gov>; ABaumgarten@counsel.lacounty.gov <ABaumgarten@counsel.lacounty.gov>; EChu@counsel.lacounty.gov <EChu@counsel.lacounty.gov>; grtrindle@rivco.org <grtrindle@rivco.org>; stnelson@rivco.org <stnelson@rivco.org>; TulareCountyCounselO@tularecounty.ca.gov <TulareCountyCounselO@tularecounty.ca.gov>

Cc Robert Tyler - Advocates <btyler@faith-freedom.com>; Julianne Fleischer <jfleischer@faith-freedom.com>; Sue Kenney - Advocates <skenny@faith-freedom.com>

Hello All,

I am writing by way of introduction, as I represent Petitioners in the above-referenced matter. Petitioners were informed by the Court that that the earliest available hearing date regarding Petitioners' Petition for Peremptory Writ of Mandate is February 14, 2025. Accordingly, please take notice that, as soon as the matter may be heard by Department 21 of the Sacramento Superior Court, located at 720 9th St, Sacramento, CA 95814, the Petitioners will be moving for ex parte relief for an order shortening time regarding the hearing date on their pending Petition for Peremptory Writ of Mandate. (California Rules of Court, Rules 3.1203 and 3.1204.) Please let us know at your earliest convenience if you intend to oppose. If the Court sets a hearing date and time for the ex parte appearance after our filing, we will notify you immediately.

Best regards,

Emma F. Plotnik

Associate Attorney



25026 Las Brisas Road

Murrieta, California 92562

Telephone: [\(951\) 600-2733](tel:(951)600-2733) | Facsimile: [\(951\) 600-4996](tel:(951)600-4996)

Orange County Office: [\(714\) 978-2060](tel:(714)978-2060)

Arkansas Office: [\(479\) 377-2059](tel:(479)377-2059)

www.tylerlawllp.com



REPLY TO:

Riverside County Office:
25026 Las Brisas Road
Murrieta, California 92562
Telephone: (951) 600-2733
Facsimile: (951) 600-4996

Orange County Office:
Telephone: (714) 978-2060
Arkansas Office:
Telephone: (479) 377-2059

November 5, 2024

Via U.S. Mail Only

Michelle Baldwin, Tulare County Registrar of
Voters

5300 West Tulare Avenue, Suite 105
Visalia, California 93277

Re: *Election Integrity Project, et. al. v. Weber, et. al.*

Dear Ms. Baldwin:

This office represents the Petitioners in the above-captioned matter pertaining to Petitioners' Petition for Peremptory Writ of Mandate. Please direct all correspondence to the undersigned.

Petitioners were informed by the Court that that the earliest available hearing date regarding Petitioners' Petition for Peremptory Writ of Mandate is February 14, 2025. Accordingly, please take notice that, as soon as the matter may be heard by Department 21 of the Sacramento Superior Court, located at 720 9th St, Sacramento, CA 95814, the Petitioners will be moving for *ex parte* relief for an order shortening time regarding the hearing date on their pending Petition for Peremptory Writ of Mandate. (California Rules of Court, Rules 3.1203 and 3.1204.) **Please let us know at your earliest convenience if you intend to oppose.** If the Court sets a hearing date and time for the *ex parte* appearance after our filing, we will notify you immediately.

Sincerely,

TYLER LAW, LLP

A handwritten signature in cursive script that reads "Emma F. Plotnik".

Emma F. Plotnik
Attorney