

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 OF 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.

SHIRLEY WEBER, CALIFORNIA
SECRETARY OF STATE; BOB PAGE,
ORANGE COUNTY REGISTRAR OF
VOTERS; DEAN LOGAN, LOS ANGELES
COUNTY REGISTRAR-
RECORDER/COUNTY CLERK; ART
TINOCO, RIVERSIDE COUNTY
REGISTRAR OF VOTERS; AIMEE X.
EXPINOZA, KERN COUNTY AUDITOR-
CONTROLLER-COUNTY CLERK; and
MICHELLE BALDWIN, TULARE COUNTY
REGISTRAR OF VOTERS,

Respondents,

Case No.: 24WM000168

**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

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

TO EACH PARTY AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that as soon as the matter may be heard in Department 21 of the above-entitled Court, located at 720 9th St, Sacramento, CA 95814, Petitioners Election Integrity Project California, Inc. (“EIPCa”); Larry Lewis, an individual (“Lewis”); Colette Casey, an individual (“Casey”); Ellen Swensen, an individual (“Swensen”); Thomas D. Pavich, an individual (“Pavich”); and Charles Shinn (“Shinn”), an individual (and collectively “Petitioners”) (“Petitioners”) hereby move for *ex parte* relief for an order shortening time on their Petition for Peremptory Writ of Mandate.

This *Ex Parte* Application is brought in accordance with California Rules of Court, Rule 3.1200, *et seq.*; Code of Civil Procedure §§ 35 and 1005(b); Elections Code § § 13314, and 15372; and pursuant to this notice, the attached Memorandum of Points and Authorities, the accompanying Request for Judicial Notice, the Declarations of Ellen Swensen, Linda Paine, Carl Knowles, and Emma F. Plotnik; and the records, pleadings, and entire file herein, and oral argument that may be presented at the hearing thereon. Petitioners notified Respondents of this *ex parte* application on November 4, 2024, and will email Respondents a courtesy copy of this application at the time of filing.

DATED: November 5, 2024

ADVOCATES FOR FAITH & FREEDOM

By: Julianne Fleischer
Robert H. Tyler, Esq.
Julianne E. Fleischer, Esq.

DATED: November 5, 2024

TYLER LAW, LLP

By: Emma F. Plotnik
Emma F. Plotnik, Esq.

Attorneys for Petitioners

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Petitioners Election Integrity Project California, Inc. (“EIPCa”); Larry Lewis, an individual
5 (“Lewis”); Colette Casey, an individual (“Casey”); Ellen Swensen, an individual (“Swensen”);
6 Thomas D. Pavich, an individual (“Pavich”); and Charles Shinn (“Shinn”), an individual (and
7 collectively “Petitioners”) bring this *Ex Parte* Application for an Order Shortening Time on their
8 pending Petition for Writ of Mandate (“Petition”). Petitioners bring their nonpartisan writ to, among
9 other things, appoint a special master to oversee the November 2024 election to ensure that
10 Respondents fulfill their ministerial requirements in compliance with the California Elections Code
11 in recordkeeping, canvassing, reporting, compiling, and accurate certification of the election results
12 for the November 5, 2024, election.

13 The basis for Petitioners’ requested relief results from EIPCa’s¹ comprehensive audit of
14 November 2022 certified election data. Specifically, EIPCa has compared the certified data
15 published by Respondents following the November 2022 election (“November 2022 Certified
16 Accounting”) with the official election data for that election it received from the Secretary of State
17 (the “Secretary”) in June of 2024 (“June 2024 Accounting”) as statutorily prescribed by the
18 Elections Code. While the June 2024 Accounting is supposed to be a “snapshot” of the November
19 2022 Certified Accounting Data, EIPCa found major discrepancies between the two data sets.
20 (Declaration of Ellen Swensen (“Swensen Decl.”), ¶ 10.) These discrepancies demonstrate that
21 either or both the Secretary and the county elections officials failed to perform their ministerial
22 election duties in counting votes and certifying election results.

23 Petitioners filed their Petition on or about October 30, 2024. (Declaration of Emma F. Plotnik
24 (“Plotnik Decl.”), ¶ 7.) On or about October 31, 2024, the Court entered an order denying

25 _____
26 ¹ Petitioner EIPCa is a nonprofit 501(c)(3) nonpartisan public benefit corporation headquartered in California. EIPCa
27 communicates with elections officials regarding procedures that potentially interfere with the integrity of election
28 management and ballot processing. EIPCa applies for voter roll data from the SOS and county ROVs, audits the data,
and provides findings reports to them. EIPCa works to ensure that every vote is lawfully cast and accurately counted.
(Declarations of Swensen, Shinn, Casey, Lewis, and Pavich in Support of Petition for Peremptory Writ of Mandate, ¶
¶ 4-5.)

1 Petitioners’ request for a hearing date with an “action required by” date of November 6, 2024. (*Id.*)
2 The Court has informed Petitioners’ counsel that the soonest available hearing date for their Petition
3 is on or about February 14, 2025. (*Id.*) Thus, Petitioners file the present *Ex Parte* Application for an
4 Order Shortening Time regarding the February 14, 2025, hearing date upon a showing of good
5 cause. (*Id.*)

6 Good cause exists to grant Petitioners’ requested *ex parte* relief. *First*, Petitioners have
7 statutory grounds for their requested relief. Because Petitioners bring their Petition under Elections
8 Code section 13314 and Code Civ. Proc. § 35(a), a hearing and a subsequent ruling on the merits of
9 their Petition “shall have priority over all other civil matters.” (Elec. Code § 13314(a)(3).)

10 *Second*, Petitioners have submitted declarations making an affirmative factual showing of
11 irreparable harm. Specifically, EIPCa’s audit revealed that the June 2024 Accounting reflects 32
12 California counties that had 71,092 more ballots counted than the total number of ballots counted
13 and certified in the November 2022 Certified Accounting. (Swensen Decl., ¶ 10; Ex. 6.) The June
14 2024 Accounting also reflects that 25 California counties had 27,764 fewer ballots counted than the
15 total number of ballots counted and certified in the November 2022 Certified Accounting. (*Id.*)
16 Statewide, the discrepancies netted a difference of 43,624 ballots cast and counted. (*Id.*)
17 Additionally, an unacceptable number of voter IDs had more than one ballot counted and attributed
18 to a voter’s ID, amounting to 42,769 ballots. (*Id.* at ¶ 11.) In other words, Petitioners will be
19 irreparably harmed if a hearing date is not set, and a decision is not rendered before December 5,
20 2024, when county elections officials are required to prepare a certified statement of the results and
21 the same errors made by state and county elections officials in the November 2022 election in
22 counting votes and certifying election results occurs in the November 2024 election. (Elec. Code,
23 § § 15503, 15372.) Petitioners seek a ruling on their writ petition on behalf of all California voters
24 in ensuring transparent, fair elections and seek court intervention to determine whether the
25 appointment of a special master to oversee Respondents in performing their ministerial duties is
26 warranted. **Petitioners request that a hearing be set and a decision on the merits of their writ**
27 **petition be rendered before December 5, 2024, when county elections officials prepare a**

1 **certified statement of the results.** (Elec. Code, § 15372.) Thus, good cause exists to grant
2 Petitioners’ *Ex Parte* Application for an Order Shortening Time.

3 **II.**

4 **STATEMENT OF THE FACTS AND PROCEDURAL HISTORY**

5 **A. Statement Of The Facts**

6 Following the November 2022 election, Secretary Weber published a “Statement of Vote”
7 that included a Voter Participation Statistics chart showing certified 11,146,620 total voters
8 participated in the election. (Swensen Decl., ¶ 10; Plotnik Decl., ¶¶ 4, 5; Request for Judicial Notice
9 (“RJN”), Ex. 1, p. 2; Ex. 2.) Petitioners refer to this data as the “November 2022 Certified
10 Accounting.” On February 27, 2024, Petitioner EIPCa filed a formal application to obtain a “voter
11 list or file,” by precinct, of each person who voted in California in the November 8, 2022 federal
12 election, including each voter’s name, address, birthdate, state Registration ID number, voting
13 method, and current registration status. (Declaration of Carl Knowles (“Knowles Decl.”), ¶ 8; Ex.
14 8; Declaration of Linda Paine (“Paine Decl.”), ¶ 4; Ex. 3.) Essentially, EIPCa requested the same
15 November 2022 Accounting data used by Respondents in certifying the election. (*Id.*) Secretary
16 Weber’s office sent EIPCa non-responsive data on several occasions. (Knowles Decl., ¶ 8; Ex. 8.)
17 The Petitioners eventually received the “June 2024 Accounting” related to voters whose votes had
18 been counted. (Knowles Decl., ¶ 11.) While the November 2022 Certified Accounting should have
19 allegedly matched the June 2024 Accounting, EIPCa’s audit of the data demonstrated serious
20 discrepancies between the two accountings. (Knowles Decl., ¶ 10; Swensen Decl., ¶ 10.) For
21 example, the June 2024 Accounting reflects 32 California counties that had 71,092 more ballots
22 counted than the total number of ballots counted and certified in the November 2022 Certified
23 Accounting. (Swensen Decl., ¶ 10; Ex. 6.) The June 2024 Accounting also reflects that 25 California
24 counties had 27,764 fewer ballots counted than the total number of ballots counted and certified in
25 the November 2022 Certified Accounting. (*Id.*) Statewide, the discrepancies netted a difference of
26 43,624 ballots cast and counted. (*Id.*) Additionally, an unacceptable number of voter IDs had more
27 than one ballot counted and attributed to a voter’s ID, amounting to 42,769 ballots. (*Id.* at ¶ 11.)
28

1 EIPCa sent its findings letter to the Secretary on September 6, 2024. (Paine Decl., ¶ 6; Ex.
2 4.) The letter asked six questions, including, but not limited to: (1) why the total number of votes
3 provided by the Secretary’s office in June 2024 exceeds the amount in the certification and what
4 procedures were used to reconcile these differences; (2) why certain counties had fewer votes and
5 other counties had more votes than listed in the certification; and (3) how “confidential registrants”
6 votes are counted and how many such votes were counted. (*Id.*) EIPCa supplemented the letter on
7 September 20, 2024. (*Id.*; Ex. 5.) To date, the Secretary has not provided the answers to these
8 questions. (*Id.* at ¶ 7.)

9 **B. Procedural History**

10 Petitioners filed their Petition on or about October 30, 2024. (Plotnik Decl., ¶ 7.) On or about
11 October 31, 2024, the Court entered an order denying Petitioners’ request for a hearing date with an
12 “action required by” date of November 6, 2024. (*Id.*) Petitioners originally sought a hearing date on
13 or before November 6, 2024, because of the requirement that election officials begin transmitting
14 elections results to Secretary of State at intervals no greater than two hours following the election
15 on November 5, 2024. (*Id.*; Elec. Code § 15151.) Additionally, Petitioners filed their Petition and
16 supporting papers as soon as was practicable after: (1) they provided the Secretary of State with an
17 opportunity to respond to their September 20, 2024 correspondence and received no answer; (2)
18 they searched for and engaged legal counsel that suited their financial needs as a nonprofit 501(c)(3)
19 public benefit organization and their preference for attorneys experienced in election law on or about
20 October 15, 2024; and (3) their counsel at Advocates For Faith and Freedom as a small nonprofit
21 legal organization had an opportunity to contract with counsel at Tyler Law, LLP to collectively
22 review the client file, perform related research, and interview the multiple Petitioners and declarants
23 whose testimony is critical to Petitioners’ theories of liability and requested relief. (Plotnik Decl., ¶
24 6.) However, Petitioners acknowledge that a hearing date before December 5, 2024, when county
25 election officials certify results, would allow the Court time to consider the papers and still allow
26 oversight by a special master, if warranted for the Secretary of State to certify the candidates with
27 the highest number of votes 38 days after the election. (*Id.* at ¶ 8.) The Court has informed
28

1 Petitioners’ counsel that the soonest available hearing date for their Petition is on or about February
2 14, 2025. (*Id.*) Accordingly, Petitioners file the present *Ex Parte* Application for an Order
3 Shortening Time Regarding the February 14, 2025, hearing date upon a showing of good cause. (*Id.*)

4 **III.**

5 **LEGAL ARGUMENT**

6 **A. The Court Has Authority To Shorten Time For The Hearing On Petitioners’ Petition**
7 **For Peremptory Writ Of Mandate**

8 This Court has both statutory and inherent authority to grant this *Ex Parte* Application for
9 an Order Shortening Time pursuant to California Rule of Court, Rule 3.1202(c). Further, Code of
10 Civil Procedure Section 1005(b) specifically provides that this Court “may prescribe a shorter time”
11 for the hearing on any motion for good cause shown. California Rule of Court 3.1300(b) states that,
12 “[t]he court, on its own motion or on application for an order shortening time supported by
13 declaration showing good cause, may prescribe shorter times for the filing and service of papers
14 than the times specified in Code of Civil Procedure section 1005.” Importantly, Code of Civil
15 Procedure section 128(a)(3) provides that, “[e]very court shall have the power ... [t]o provide for
16 the orderly conduct of proceedings before it, or its officers.” For the reasons set forth below, this
17 Court has great discretion in “prescrib[ing] a shorter time” than the currently available hearing date
18 of February 14, 2025, to set an evidentiary hearing and expedited briefing schedule to determine the
19 merits of Petitioners’ writ petition.

20 **B. The Present Matter Is A Priority Matter Under Code of Civil Procedure § 35 and**
21 **Elections Code § 13314**

22 Code of Civil Procedure Section 35(a) provides that, “Proceedings in cases involving the
23 registration or denial of registration of voters, **the certification or denial of certification of**
24 **candidates, the certification or denial of certification of ballot measures**, election contests, and
25 actions under Section 20010 of the Elections Code shall be placed on the calendar in the order of
26 their date of filing and shall be given precedence.” (Code Civ. Proc. § 35(a), emphasis added.)
27 Moreover, Petitioners’ Petition is brought under Elections Code § 13314(a)(3), which explains that
28

1 when an elector seeks a writ of mandate due to an error or neglect of duty that has occurred or is
2 about to occur, “[t]he action or appeal **shall have priority over all other civil matters.**” (Elec.
3 Code § 13314(a)(3), emphasis added.)

4 Here, the accounting issues raised by Petitioners in their Petition pertain to certification
5 under Code of Civil Procedure Section 35(a), meaning that this matter “shall be given precedence.”
6 (Code Civ. Proc. § 35(a).) Further, this Petition is brought to prevent a “neglect of duty that has
7 occurred or is about to occur” by Respondents in the counting, recording, and publishing of
8 accurate vote numbers, pursuant to Elections Code § 13314(a)(3). The issuance of the requested
9 writ will not substantially interfere with the conduct of the election because Petitioners are
10 requesting relief prior to the certification of the vote. (Elec. Code § 13314(b).) Thus, Petitioners’
11 “action . . . shall have priority over all other civil matters.” (Elec. Code § 13314(a)(3).) Moreover,
12 this Court’s standing order on “Election Writs” provides that, “Absent a showing of good cause .
13 . . the Court will not set a merits hearing for an Election Writ on less than four court days’ notice
14 to the respondent(s) and any real party(ies) in interest . . .” (Standing Order No. SSC-24-2, ¶ 6.)²
15 This *Ex Parte* Application is being filed (and notice is being given to Respondents) far more than
16 four court days in advance of the December 5, 2024 deadline for county officials to prepare a
17 certified statement of the election results. Petitioners have already filed their opening brief,
18 allowing for an expedited briefing schedule for Respondents to submit their briefs.³ (Plotnik Decl.,
19 ¶ 7.) Accordingly, Petitioners’ writ is ripe for adjudication on the merits and Petitioners are entitled
20 to an order shortening time on their hearing date regarding their writ petition on the statutory
21 grounds discussed above.

22
23 _____
24 ² The Declaration of Emma F. Plotnik filed in support of Petitioners’ Petition for Peremptory Writ of Mandate
25 inadvertently stated that the Petitioners retained counsel on or about September 26, 2024. In speaking with her co-
26 counsel, Ms. Plotnik has determined that the date of retention was much later than this “initial consultation date.”
27 September 26, 2024, was the “initial consultation date,” not the date in which the client retained Advocates for Faith
28 and Freedom. Ms. Plotnik has submitted an amended declaration in support of this Application explaining the
foregoing and providing additional details as to why the Petition was filed as soon as was practicable by counsel for
the Petitioners. (Plotnik Decl., ¶ 7.)

³ Petitioners acknowledge that the “Action Required By” date in their Petition for Peremptory Writ of Mandate and
supporting papers is November 6, 2024. However, in accordance with the arguments set forth in this Application,
Petitioners are willing to amend their Petition and supporting papers with their new “Action Required By” should this
Court find that doing so would be necessary.

1 **C. Ex Parte Relief Is Warranted Because Irreparable Harm Will Result To Petitioners If**
2 **Petitioners Cannot Obtain Their Requested Relief Until After Certification Of Results**
3 **By County Elections Officials**

4 The California Rules of Court, Rule 3.1202 provides that the moving party seeking *ex parte*
5 relief must “make an affirmative factual showing in a declaration containing competent testimony
6 based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis
7 for granting relief *ex parte*.” (Cal. Rules of Court, rule 3.1202(c).)

8 Aside from the statutory grounds for *ex parte* relief, Petitioners’ declarations contain
9 testimony constituting an “affirmative factual showing” of irreparable harm. (*Id.*) Again, EIPCa’s
10 audit of election data between the November 2022 Certified Accounting and the June 2024
11 Accounting showed serious discrepancies between the two data sets. For example, the June 2024
12 Accounting reflects 32 California counties that had 71,092 more ballots counted than the total
13 number of ballots counted and certified in the November 2022 Certified Accounting. (Swensen
14 Decl., ¶ 10; Ex. 6.) The June 2024 Accounting also reflects that 25 California counties had 27,764
15 fewer ballots counted than the total number of ballots counted and certified in the November 2022
16 Certified Accounting. (*Id.*) Statewide, the discrepancies netted a difference of 43,624 ballots cast
17 and counted. (*Id.*) Additionally, an unacceptable number of voter IDs had more than one ballot
18 counted and attributed to a voter’s ID, amounting to 42,769 ballots. (*Id.* at ¶ 11.)

19 Time is of the essence to ensure that Respondents perform their ministerial duties in
20 counting eligible ballots; reconciling the vote; and certifying the vote during the November 2024
21 election. In other words, Petitioners will be irreparably harmed if a hearing date is not set, and a
22 decision is not rendered on their writ petition until 2+ months after the county elections officials
23 prepare a certified statement of the results and the Secretary publishes results. (Elec. Code,
24 § § 15503, 15375.) Foreseeably, the above-described errors made by state and county elections
25 officials in the November 2022 election in counting votes and certifying election results (as
26 evidenced by the decrease of 27,764 fewer ballots counted than the total number of ballots counted
27 and certified in 25 counties; the increase in 71,092 more ballots counted than the total number of
28

1 ballots counted and certified in 32 counties; the statewide increase in 71,092 ballots counted; and
2 the multiple ballots attributed to a single voter ID) could occur in the upcoming November 2024
3 election. (Paine Decl., ¶ 8; Swensen Decl., ¶ 10, 11, 13; Ex. 6.) A hearing date after the certified
4 statement of the results by the county elections officials and the publishing of the vote by the
5 Secretary of State will render Petitioners' request for appointment of a special master to oversee
6 Respondents in fulfilling their duties to accurately count and certify the election results for the
7 November 5, 2024, election, moot. Additionally, any answer to EIPCa's September 6 and
8 September 20, 2024, correspondence provided by Respondents will be unable to aid any special
9 master appointed by the Court in adopting procedures to oversee Respondents, potentially leading
10 to additional discrepancies. (Paine Decl., ¶ 8; Swensen Decl., ¶ 13; Elec. Code § 15375.) **Thus,**
11 **good cause exists for a hearing date to be set and a decision on the merits of their writ petition**
12 **to be rendered before December 5, 2024, when county elections officials prepare a certified**
13 **statement of the results.**

14 IV.

15 NOTICE REQUIREMENTS

16 A. Identification Of Attorney Or Party – CRC 3.1202(a)

17 Petitioners are represented by Robert H. Tyler and Julianne E. Fleischer of Advocates for
18 Faith and Freedom, who may be reached at 25026 Las Brisas Road, Murrieta, California 92652, and
19 at the following email addresses: btyler@faith-freedom.com and jfleischer@faith-freedom.com,
20 respectively, or by phone at: (951) 600-2733. Petitioners are also represented by Emma F. Plotnik
21 of Tyler Law, LLP, who may be reached at 25026 Las Brisas Road, Murrieta, California 92652, and
22 at the following email address: eplotnik@tylerlawllp.com, or by phone at: (951) 600-2733.

23 Respondent, Shirley Weber, California Secretary of State, is represented by John D.
24 Echeverria, of the California Department of Justice, who may be reached at: 455 Golden Gate
25 Avenue, Suite 11000, via email at: John.Echeverria@doj.ca.gov, or by phone at: (415) 510-3479.

26 Respondent Art Tinoco, Riverside County Registrar of Voters is represented by G. Ross
27 Trindle, III and Stephanie Nelson, County Counsel for the County of Riverside, 3960 Orange St,
28

1 Ste 520, Riverside, CA 92501-3644, who may be reached at the following email addresses:
2 GRTrindle@Rivco.org and StNelson@Rivco.org, respectively, or by phone at: (951) 955-6300.

3 Respondent, Dean C. Logan, Los Angeles County Registrar-Recorder is represented by
4 Adam Baumgarten and Eva Chu of Office of the County Counsel, County of Los Angeles, may be
5 reached at: 500 W Temple St Ste 648, Los Angeles, CA 90012-319, via email at:
6 ABaumgarten@counsel.lacounty.gov and EChu@counsel.lacounty.gov, respectively, or by phone
7 at: (213) 418-5664.

8 Respondent, Bob Page, Orange County Registrar of Voters, is represented by Rebecca S.
9 Leeds and Suzanne Shoai of the County of Orange, Office of the County Counsel, who may be
10 reached at: 400 West Civic Center Drive, Suite 202, Santa Ana, California 92701, via email at:
11 Rebecca.Leeds@coco.ocgov.com and Suzy.Shoai@coco.ocgov.com, respectively, or by phone at:
12 (714) 834-3300.

13 Respondent Aimee X. Espinoza, Kern County Auditor-Controller-County Clerk, is
14 represented by Scott Fontes, Chief Deputy County Counsel Office of County Counsel, Kern County,
15 who may be reached at: 1115 Truxtun Avenue, 4th Floor Bakersfield, CA 93301, via email at:
16 sfontes@kerncounty.com, or by phone at: (661) 868-3836.

17 Petitioners' counsel has contacted the County of Tulare, Office of the County Counsel, to
18 determine the attorney(s) representing Michelle Baldwin, Tulare County Registrar of Voters. As of
19 the date of this Application, Petitioners' counsel has not received a response. Accordingly,
20 Petitioners' counsel is informed and believed that Respondent Baldwin may be contacted at: 2900
21 W Burrel Ave, Visalia, CA 93291, via email at: TulareCountyCounselO@tularecounty.ca.gov, and
22 via telephone at: (559) 636-4950.

23 **B. Disclosure Of Previous Applications – CRC 3.1202(b)**

24 Petitioners have not made any previous *ex parte* Application of the same character or for the
25 same relief in this action.

26 **C. Affirmative Factual Showing Required – CRC 3.1202(c)**

27 Petitioners apply for *ex parte* relief for an order shortening time on the merits of their
28

1 Verified Petition for Writ of Mandate. Petitioners have made an affirmative factual showing through
2 the Declarations of Linda Paine, Ellen Swensen, and Carl Knowles attached to the present
3 Application containing testimony based on personal knowledge that this Court should grant relief
4 to avoid irreparable harm to Petitioners if this Court sets a hearing date on or after February 14,
5 2025, after certification of results by the county elections officials on or about December 5, 2024.

6 **D. Notice To Other Parties – CRC 3.1203 And 3.1204**

7 Counsel for Petitioners gave notice to Respondents via email at the email addresses provided
8 above. Petitioners’ counsel also transmitted a letter via overnight mail to Respondent Michelle
9 Baldwin, Tulare County Registrar of Voters to the mailing address listed above. The email and letter
10 explained that Petitioners seek an order shortening time as soon as this matter may be heard by the
11 court. (Plotnik Decl., ¶ 9; Ex. 9.) As of the date of the filing of this Application, counsel for
12 Petitioners has not heard from counsel for Respondent Shirley Weber, California Secretary of State
13 or Michelle Baldwin, Tulare County Registrar of Voters, and does not know whether Respondents
14 intend to oppose Petitioners’ *Ex Parte* Application. (*Id.*) As to the remaining Respondents,
15 Petitioners’ counsel was notified that they reserve their right to oppose. Specifically, counsel for Art
16 Tinoco, Riverside County Registrar of Voters and Aimee X. Espinoza, Kern County Registrar-
17 Recorder/County Clerk are open to a hearing date prior to February 14, 2025 but will oppose a
18 hearing date shortening their response time to the writ petition. (*Id.*)

19 **V.**

20 **CONCLUSION**

21 For the foregoing reasons, Petitioners respectfully request that this Court grant their *Ex Parte*
22 Application for an order shortening time on the hearing regarding their Verified Petition for
23 Peremptory Writ of Mandate.

24 **ADVOCATES FOR FAITH & FREEDOM**

25 DATED: November 5, 2024

26 By: 
27 _____
28 Robert H. Tyler, Esq.
Julianne E. Fleischer, Esq.

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

DATED: November 5, 2024

TYLER LAW, LLP

By: Emma F. Plotnik
Emma F. Plotnik, Esq.

Attorneys for Petitioners