

**SUPREME COURT OF ARIZONA**

**MOISES SANCHEZ, a qualified elector;**

**Appellant/Plaintiff,**

**vs.**

**KEVIN ROBINSON, candidate and real party in interest; DENISE ARCHIBALD, in her official capacity as the City Clerk for the City of Phoenix; BILL GATES, CLINT HICKMAN, JACK SELLERS, THOMAS GALVIN, and STEVE GALLARDO, in their official capacities as members of the Maricopa County Board of Supervisors; STEVEN RICHER, in his official capacity as Maricopa County Recorder;**

**Appellees/Defendants.**

**Arizona Supreme Court Case No.  
CV-22-0196-AP/EL**

**Maricopa County Superior Court  
Case No. CV2022-009450**

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**OPENING BRIEF**

**(Expedited Election Matter)**

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Appellant/Plaintiff Moises Sanchez brings this appeal from the trial court’s ruling that Appellee/Defendant Kevin Robinson “is a resident of District 6” in Phoenix and “meets all residence requirements to stand for election in District 6,” denying Plaintiff’s request for injunctive relief. The trial court abused its discretion in ruling that Robinson was a resident of District 6, in view of his own uncontradicted testimony that he rented his house in District 6 “so that [he] could be eligible for the candidacy”<sup>1</sup>; that his spouse resides at “home” in Scottsdale<sup>2</sup> and that he is not separated from her;<sup>3</sup> that he spends up to half of his time at home with her in Scottsdale;<sup>4</sup> and that his spouse has no present intention of moving into the house that he is renting in District 6,<sup>5</sup> which he testified is on a one-year lease expiring in September of this year<sup>6</sup> that he does not intend to renew.<sup>7</sup> The trial court’s additional finding that “[Robinson’s wife will join him there [in Phoenix] as circumstances permit” is also unsupported by any testimony or other evidence in this record. Finally, on the same day that Plaintiff filed his Notice of Appeal, it came to light that the trial judge’s spouse was one of the three hundred ninety-nine (399) persons who signed Defendant Robinson’s nomination petition – a fact that was never disclosed to the parties and which supports an independent (*de novo*) review of the record by this Court.

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<sup>1</sup> Appendix (“App.”) 64-65; Trial Transcript (“TT”) 43:25 – 44:1.

<sup>2</sup> App. 67, TT, 46:8-9; App. 57, TT 36:20-24; App. 110, TT 89:7-9.

<sup>3</sup> App. 57, TT 36:8-9.

<sup>4</sup> App. 106-107, TT 85:23 – 86:17.

<sup>5</sup> App. 67, TT 46:10-23; App. 104, TT 83:10-19; App. 57, TT 36:6-24.

<sup>6</sup> App. 73, TT 52:13-19; App. 64, TT 43:18-20.

<sup>7</sup> App. 102, TT 81:14-16; *see also* App. 102-103, TT 81:25 – 82:22; App. 74, TT 53:2-24.

I. The Trial Court Abused its Discretion in Finding that Robinson is a Resident of District 6

Defendant Robinson has filed to run for City Council in District 6 of the City of Phoenix. The City of Phoenix Charter requires that a candidate for City Council “shall at the time of his nomination and during his tenure maintain his permanent residence within the district from which he is nominated.” Chapter III, Section 1 of the Phoenix City Charter.<sup>8</sup> More broadly, the Arizona Constitution requires that any candidate for public office be “a qualified elector of the...municipality in which [the candidate] shall be elected.” Article 7, Section 15 of the Arizona Constitution. The Phoenix City Code requires that a qualified elector be “a resident of the City of Phoenix for at least twenty-nine days immediately preceding the election”; and it provides certain “Rules of residence” for determining a person’s place of residence for purposes of their eligibility to vote. Phoenix City Code § 12-101(a)(3);<sup>9</sup> § 12-214.<sup>10</sup> The “Rules of residence” are similar but not identical to the “Rules determining residence of voter” under Arizona state law, A.R.S. § 16-593. As is relevant here, both the City Code and Arizona statute provide in identical substance that “[t]he place where a person’s family permanently resides is his residence, unless he is separated from his family, but if it is a place of temporary establishment for his family, or for transient purposes, it is otherwise.” A.R.S. § 16-593(A)(7); *compare with* Phoenix City Code § 12-214(g)(“The place where a person’s family permanently resides is the person’s residence, unless the person is separated from

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<sup>8</sup> <https://phoenix.municipal.codes/Charter/III>

<sup>9</sup> <https://phoenix.municipal.codes/CC/12-101>

<sup>10</sup> <https://phoenix.municipal.codes/CC/12-214>

the person’s family. however, [sic] if the place is one only of temporary establishment for the person’s family, or for transient purposes, it is not the person’s residence”).

The relevant legal question is therefore whether Robinson has “maintain[ed] his permanent residence” in District 6 in Phoenix since the date of his nomination, which the parties agree occurred on July 7<sup>th</sup> of this year.

A. *The Evidence at Trial*

During the trial, Defendant Robinson testified extensively. He testified that his wife, Michele Halyard, “resides at our residence at 7660 E. Tuckey Lane” in Scottsdale,<sup>11</sup> which they purchased in 2020.<sup>12</sup> He testified that he decided to run for office in District 6 in Phoenix in September of last year, then in October he rented a house in District 6 (at 4625 E. Winston).<sup>13</sup> During the trial he was asked the question: “You rented that home [at Winston] just to try to establish residency in the district, didn’t you?” To which he answered: “I rented the home inside of -- at Winston Drive so that I would be eligible for the candidacy, yes.”<sup>14</sup>

Robinson testified that his spouse has never slept at the Phoenix house,<sup>15</sup> and that he spent only “15 to 20” nights for the month of July at the Phoenix house, with the remainder of his nights being spent at the Scottsdale home with his spouse.<sup>16</sup> He

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<sup>11</sup> App. 57, TT 36:20-24.

<sup>12</sup> App. 58, TT 37:2-3;

<sup>13</sup> App. 64, TT 43:15-20.

<sup>14</sup> App. 64-65, TT 43:21-44:1.

<sup>15</sup> App. 57, TT 36:10-11; *see also* App. 61, TT 40:15-23.

<sup>16</sup> App. 106-107, TT 85:23 – 86:17; *see also* App. 68-69, TT 47:23-48:4.

testified that he and his spouse have three adult stepchildren;<sup>17</sup> and that if their stepchildren needed a place to live, then “[a]ny one of the kids would be welcome home” at the Scottsdale house.<sup>18</sup> He testified that when he and his spouse filed their income taxes, they “had had to pick either the Winston Drive address or the Scottsdale address,” and they used the Scottsdale address because “my wife makes more money than I do, and you know, that’s her primary address.”<sup>19</sup> He testified that his spouse cannot live at the Phoenix address because it is too far from her job.<sup>20</sup>

At trial, Plaintiff presented evidence that Robinson rarely appeared in the footage from a “Ring” doorbell camera on the front door of the Phoenix house.<sup>21</sup> Robinson did not dispute this, but rather claimed that he deliberately avoided the Ring camera due to “privacy concerns”<sup>22</sup> – specifically, “concerns by my wife and members of my campaign team that I might have been monitored with the Ring device. So I just started avoiding it all together.”<sup>23</sup> He claimed that in order to enter and exit the Phoenix house, he took what he described as a “fairly roundabout”<sup>24</sup> route through the backyard and then through a back door into the property, to “avoid[] the Ring system.”<sup>25</sup> Plaintiff also presented testimony from the landlord of

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<sup>17</sup> App. 109-110, TT 88:11 – 89:9; *see also* App. 98, TT 77:5-18; App. 58, TT 37:8-23; App. 68, TT 47:3-13.

<sup>18</sup> App. 110, TT 89:7-9.

<sup>19</sup> App. 107-108, TT 86:2-87:10.

<sup>20</sup> App. 67, TT 46:8-23; App. 104, TT 83:10-19; *see also* App. 57, TT 36:6-24.

<sup>21</sup> App. 60, TT 39:1-13; App. 48-49, TT 27:15 – 28:7.

<sup>22</sup> App. 80, TT 59:2-5.

<sup>23</sup> App. 60, TT 39:1-11; *see also* App. 65-66, TT 44:7-45:4.

<sup>24</sup> App. 96, TT 75:23-25.

<sup>25</sup> *Id.*, App. 79, TT 58:9-16; *see also* App.91-94, TT 70:10 – 73:9, App. 95-97, TT 74:21 – 76:6.

the Phoenix house that the electrical usage was low<sup>26</sup> and that, according to a Nest “smart” thermostat inside of the house, the temperature “mostly stays in and around the 86-degree range.”<sup>27</sup> (The landlord also testified that the “smart” thermostat can detect movement, and that when it does so then it lowers the temperature.)<sup>28</sup> Robinson testified that he obtained renter’s insurance for the Phoenix house that expires in November of this year, and that the insurance policy listed his address as being on Tuckey Lane in Scottsdale.<sup>29</sup> He admitted that the Phoenix house was rented furnished;<sup>30</sup> that the carpets appear “pretty clean” even though he has never cleaned them;<sup>31</sup> and that there is very little food in the fridge.<sup>32</sup> On the other hand, Robinson did testify that he changed his voter registration to the Phoenix address,<sup>33</sup> that he had certain mail delivered to the house;<sup>34</sup> that he sometimes does work<sup>35</sup> or has campaign meetings at the house;<sup>36</sup> and that he keeps clothes<sup>37</sup> and a CPAP machine there.<sup>38</sup>

Plaintiff sought to subpoena Robinson’s spouse for trial, but Robinson successfully moved to quash the subpoena by invoking the anti-marital fact privilege

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<sup>26</sup> App. 39-40, TT 18:6 – 19:20.

<sup>27</sup> App. 38-39, TT 17:13 – 18:5.

<sup>28</sup> App. 36-37, TT 15:23-16:6.

<sup>29</sup> App. 62, TT 41:17 – 25; App. 109, TT 88:3-10.

<sup>30</sup> App. 30, TT 9:21-22; App. 63, TT 42:12-13.

<sup>31</sup> App. 63, TT 42:14-17.

<sup>32</sup> App. 63, TT 42:4-6.

<sup>33</sup> App. 69, TT 48:10-11.

<sup>34</sup> App. 69, TT 48:20-21.

<sup>35</sup> App. 97-98, TT 76:20 - 77:7.

<sup>36</sup> App. 111, TT 90:18-22.

<sup>37</sup> App. 100, TT 79:14-22.

<sup>38</sup> App. 100, TT 79:7-13.

statute, A.R.S. § 13-4062. At no point during the trial did Robinson testify (or offer any other evidence to support) that his “wife ultimately will join him there [at the Phoenix house] as circumstances permit.” (See August 3, 2022 Under Advisement Ruling, Finding of Fact No. 15, App. 20.) Further, given that Robinson precluded his spouse from testifying, even if Robinson had offered such testimony or evidence then it would have been inadmissible on the grounds that Robinson cannot use the anti-marital fact privilege as both a sword and a shield, *i.e.*, he cannot at once preclude his spouse from testifying but also testify to her subjective intent.

B. Legal Analysis

Both Arizona statute and the City of Phoenix Code supply “Rules of residence” which contain the “family rule.” The “family rule” provides that “[t]he place where a person’s family permanently resides is the person’s residence, unless the person is separated from the person’s family.” A.R.S. § 16-593(A)(7); Phoenix City Code Sec. 12-214(g). The subsections that follow the “family rule” (*i.e.* Code Sections 12-214(h),(i) and A.R.S. § 16-593(A)(8)) only serve to reinforce it, by providing that a person must “actually mov[e]” into a new residence and be separated from their family in order to establish it as their “permanent residence.” If they are not separated from their family and continue to live at the family residence, then that is their “permanent residence” as a matter of law. As discussed below, the “family rule” exists in numerous jurisdictions and was doubtless developed both to combat the risk of fraud in residency cases (not unlike the Statute of Frauds), as well as to supply a bright line rule for resolving cases such as the one at bar, in which someone

deliberately splits their time in between their family home and some other place, in an admitted effort to establish residency there.

While residency cases tend to be somewhat fact-intensive, the case of *State ex rel. Spangler v. Bd. of Elections of Cuyahoga Cnty.*, 7 Ohio St. 3d 20, 455 N.E.2d 1009 (1983) is right on point. *Spangler* is a case from the Ohio Supreme Court where the trier of fact (an elections board) found that a candidate for municipal office was a resident of the city, even though the uncontradicted evidence showed that his spouse resided in another city; that he was not separated from his spouse; and that his spouse had no present intention of moving to the city where he sought office. The candidate leased a house in the city where he was running for office under a fifteen-month lease; he testified that he slept in the rented house “from two to four nights a week”; and he testified that when not at the rented house in the city, he lived at his home in another city “where his wife and minor children reside,” and which he had owned and lived in for a number of years. *Id.*, 7 Ohio St. 3d at 20, 455 N.E.2d at 1009. He testified that he was “not separated from his wife and that his family has no present intention of moving to the city.” *Id.* The Supreme Court of Ohio reversed the election board’s finding that he was a resident for abuse of discretion. The Supreme Court pointed to its own version of the “family rule,” Ohio Rev. Code § 3503.02(D), whose substance is identical to A.R.S. § 16-593(A)(7) and Phoenix City Code § 12-214(g). (The Ohio statute reads: “The place where the family of a married person resides shall be considered to be the person's place of residence; except that when the spouses have separated and live apart, the place where such a spouse resides the length of time required to entitle a person to vote shall be considered to

be the spouse's place of residence.”) The Supreme Court decided that “[a]ll the evidence relevant to a determination under R.C. 3503.02(D) and cases construing that section, supports the conclusion that [the candidate] is a resident of the [other city].” *Id.* The Court noted that it had allowed for exceptions where someone’s family had to move to another city temporarily with the intention of returning, but that in this case there was no evidence of that. *Id.* Here, as in *Spangler*, we have a candidate for municipal office whose spouse resides in another city; who is not separated from his spouse; and whose spouse has no present intention of moving into the district with him. Moreover, as in *Spangler*, the candidate continues to spend up to half of his time with his spouse in the “family home,” which he has owned and lived in for a number of years. On these facts, it was an abuse of discretion for the lower court to disregard the “family rule” and find that Robinson was a resident of the district.

In *In re Hanssens*, 821 A.2d 1247, 1252 (Pa. Commw. Ct. 2003), *as amended* (May 20, 2003), an appellate court applied Pennsylvania’s version of the “family rule” to bar a candidate from running for office on residency grounds. Again, Pennsylvania’s version of the rule is substantively identical to ours. (It provides: “The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence, except where the husband and wife have actually separated and live apart, in which case the place where he or she has resided for two months or more shall be considered and held to be his or her place of residence.”) In that case, the court held that once the plaintiffs had established that the candidate’s residence was in another jurisdiction, then “the burden shifts to [the

candidate] to show that he and his wife have actually separated and live apart and that he has acquired a new domicile.” *Id.*, 821 A.2d at 1251. The court found that the plaintiffs had satisfied their burden by showing that the candidate’s wife and son resided at an address outside the jurisdiction, where the candidate had also previously been living. *Id.*, 821 A.2d at 1252. The court noted that the candidate “had no definite idea when his family could move into the” house in the jurisdiction where he was running for office—the candidate testified that he “hope[d]” to move his family into the house after making some renovations. The court found that he was a resident of the family home as a matter of law under the “family rule,” and therefore not a resident of the jurisdiction in which he sought office. *Id.* Notably, in that case, as in this one, the candidate testified that he “ke[pt] a moderate amount of clothing and a minimal amount of food” at the house, and that he “intentionally kept his utility bills at the minimum charge to save money”; but the court nevertheless held that “family rule” controlled. *Id.*, 821 A.2d at 1249. In the case at bar, Appellants clearly satisfied their burden of showing that Robinson’s spouse resides outside of the district, where Robinson has also been living. Robinson testified that his spouse has no present intention of moving into the house in District 6 (and in fact that she cannot move in, due to her job). There was no evidence offered to support the trial court’s finding that “[h]is wife will ultimately join him there as circumstances permit,” constituting a clear abuse of discretion. At no point did even Robinson testify that was her intention—setting aside whether such testimony would have been inadmissible as speculative and/or lacking in foundation, and/or because he invoked the anti-marital fact privilege to bar her from testifying at trial (and

therefore should not be allowed to use the privilege as both a “sword” and a “shield.” In other words, he cannot bar her from testifying while at the same time claiming to testify to something that he could only learn through communications with her, namely her subjective intent. *See e.g. Accomazzo v. Kemp, ex rel. Cnty. of Maricopa*, 234 Ariz. 169, 172, 319 P.3d 231, 234 (App. 2014)(“a party cannot use privileged information as a sword while asserting the privilege as a shield”). Finally, Robinson concedes that he is not separated from his spouse and that he continues to live in the Scottsdale home with her, so he clearly fails to carry his burden of showing under the “family rule” that “he and his wife have actually separated and live apart and that he has acquired a new domicile.” *In re Hanssens*, 821 A.2d at 1251.

The bottom line is that the “family rule” was designed for cases exactly like the one at bar, where someone clearly has a fixed family home to which they continue to return, but they are engaging in a transparent effort to establish residency somewhere else for legal advantage. The law supplies a simple and easy answer to determining residency in these situations, which is that the person’s residence remains with their spouse/family as a matter of law. The clear import of the “family rule” is that if someone is serious about becoming a resident of a place, much less running for office there, then they must move in “fulltime” and bring their spouse/family with them. Because people will always be instinctively tethered to their family home; and if that is not in the jurisdiction, then the person is not truly a legal resident there.

II. Due to a Reasonable Perception that the Judge's Ability to Act Impartially was Impaired, this Court Should Conduct a *De Novo* Review

Finally, the day after the trial judge filed his decision on August 3<sup>rd</sup> (so on August 4<sup>th</sup> – also the same day that Plaintiff/Appellant filed his Notice of Appeal), Plaintiff/Appellant learned that the trial judge's spouse was one of only three hundred ninety-nine people who signed on the Defendant's nomination petition. This fact was never disclosed to the parties, and whether the trial judge was aware of it is unknown. Also, because this case is an expedited elections matter, there is no time to file a post-trial motion in the lower court raising the issue. Plaintiff therefore raises the issue here first. (A copy of the judge's most recent financial disclosure identifying the name of his spouse is attached to the App. at 138-155; a copy of the signed nomination petition for Defendant Robinson showing the same name is attached to the App. at 145; and a copy of a recorded deed confirming that the address on the petition sheet belongs to the judge and his spouse is attached to the App. at 134-136.)

When there is a reasonable perception that a judge's ability to act impartially was impaired, the judge's decision should be vacated if there exists a risk of injustice or of undermining public confidence in the judicial process. *Kay S. v. Mark S.*, 213 Ariz. 373, 380, 142 P.3d 249, 256 (App. 2006), *as amended* (Nov. 9, 2006). Here, the undisclosed fact that the judge's spouse signed in support of the Defendant's candidacy creates a reasonable perception that his ability to act impartially was impaired. Under the circumstances, there is not enough time to retry the case to another judge. This somewhat unique problem therefore militates strongly in favor

of the Court conducting an independent *de novo* review of the record, without the usual “abuse of discretion” deference—even though the judge’s decision should not stand even under an “abuse of discretion” standard.

**Conclusion**

In light of the uncontradicted evidence in this case, the lower court erred by not applying the “family rule” to find that Defendant Robinson was and is not a resident of District 6. In the alternative, and in light of the reasonable perception of partiality by the lower court, this Court should conduct a *de novo* review of the record to independently find that Defendant is not a resident of District 6.

**RESPECTFULLY SUBMITTED** on August 11, 2022.

**WILENCHIK & BARTNESS, P.C.**

*/s/ John “Jack” D. Wilenchik*

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**SUPREME COURT OF ARIZONA**

**MOISES SANCHEZ, a qualified elector;**

**Appellant/Plaintiff,**

**vs.**

**KEVIN ROBINSON, candidate and real party in interest; DENISE ARCHIBALD, in her official capacity as the City Clerk for the City of Phoenix; BILL GATES, CLINT HICKMAN, JACK SELLERS, THOMAS GALVIN, and STEVE GALLARDO, in their official capacities as members of the Maricopa County Board of Supervisors; STEVEN RICHER, in his official capacity as Maricopa County Recorder;**

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**APPENDIX TO OPENING BRIEF**

**(Expedited Election Matter)**

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# APPENDIX 1



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-009450

08/02/2022

HONORABLE M. SCOTT MCCOY

CLERK OF THE COURT  
T. DeRaddo  
Deputy

MOISES SANCHEZ

DENNIS I WILENCHIK

v.

KEVIN ROBINSON, et al.

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DERYCK R LAVELLE  
CHARLES E TRULLINGER  
JANE W AHERN  
JOHN DOUGLAS WILENCHIK  
COURT ADMIN-CIVIL-ARB DESK  
DOCKET-CIVIL-CCC  
JUDGE MCCOY**UNDER ADVISEMENT RULING**

Defendant Kevin Robinson is a candidate for the Phoenix City Council, District 6 (“District 6”) in the November 8, 2022 election. Plaintiff Moises Sanchez on July 25, 2022 filed a Verified Complaint alleging Robinson does not meet the residency requirement to hold that office. Following an evidentiary hearing on August 1, 2022, the Court now rules.

**I. Conclusions of Law**

1. Under A.R.S. § 16-351 (B), “[a]ny elector may challenge a candidate for any reason relating to qualifications for the office sought as prescribed by law, including . . . residency.”

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2. The Arizona Constitution requires: “Every person elected or appointed to any elective office of trust or profit under the authority of the state, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which such person shall be elected.” Ariz. Const. art. VII, § 15.
3. The City of Phoenix’s Charter contains a similar residency requirement: “Each candidate for one of the eight Council seats shall at the time of his nomination and during his tenure maintain his permanent residence within the district from which he is nominated.” City of Phoenix Charter, Chapter III, § 1(C) (emphasis added). A city charter is “effectively, a local constitution.” *City of Tucson v. State*, 229 Ariz. 172, 174, ¶ 10, 273 P.3d 624, 626 (2012) (citing Ariz. Const. art. 13, § 2).
4. To be placed on the ballot, the City of Phoenix Code requires candidates to file nomination papers. City of Phoenix Code, § 12-1102(a) (“To become a candidate for any office, a qualified elector must file a nomination paper . . .”).
5. The residency requirement begins when the candidate files nominating papers. *See* City of Phoenix Charter, Chapter III, § 1(C) (requiring permanent residence within the relevant district “*at the time of . . . nomination.*”) (emphasis added); *see also*, City of Phoenix Code, § 12-1102(e) (“*At the time of filing a nomination paper, a City Council candidate must maintain the candidate’s permanent residence within the district from which the candidate is nominated.*”) (emphasis added).
6. Plaintiff contends that Robinson must have been a resident of District 6 since January 21, 2022, the date on which Robinson filed a “Candidate Notice of Candidacy” (the “Notice”) with the City Clerk to run as a candidate for City Council member in District 6. This is incorrect.
7. By filing the Notice, Robinson merely became eligible to collect signatures on nomination petitions. *See* A.R.S. § 16-311(H) (“Not later than the date of the first petition signature on a nomination petition, a person who may be a candidate for office pursuant to this section shall file a statement of interest with the appropriate filing officer for that office.”).
8. To determine the residency of voters, the City of Phoenix Code sets forth a number of rules. City of Phoenix Code, § 12-214. Such rules apply in this context as well. *See McIntosh v. Maricopa Cnty.*, 73 Ariz. 366, 369, 241 P.2d 801, 803 (1952) (holding that the “rules apply[ing] to [voters’ residency]. . . also set forth the general rule for determining residence whenever that may be an issue.”)

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9. Cases involving determinations of “domicile” are helpful as well. *See id.* “Domicile of choice is entirely a question of residence and intention, or, as it is frequently put, of factum and animus. To constitute such a domicile, or to effect a change of domicile, there must appear both an actual residence in a particular locality and an intention to remain there or to make it one's home. [] As soon as a point of time is reached when residence and intent concur, the domicile is obtained.” *Id.* at 370, 241 P.2d at 803. COP Code 12-214 says:
  - h. If a person’s family resides in one place and the person does business in another, the former is the person’s place of residence. However, a person whose family resides in one place, but who has moved to another place with the intention of remaining there, shall be regarded as a resident of the place to where the person has moved.
10. City of Phoenix Code § 12-214 requires the city’s Election Boards to use the following rules, among others, to determine a [voter’s] place of residence:
  - h. If a person’s family resides in one place and the person does business in another, the former is the person’s place of residence. However, a person whose family resides in one place, but who has moved to another place with the intention of remaining there, shall be regarded as a resident of the place to where the person has moved.

## II. Findings of Fact

1. A retired City of Phoenix police officer, Robinson’s “beat” for many years was located within District 6.
2. Robinson and his wife lived in District 6 for a number of years. In 2020, they sold their approximately 4800 square foot residence there because they were downsizing after all of their children were out of the home.
3. Robinson and his wife then began residing at a residence in Scottsdale (the “Scottsdale Home”). The Scottsdale Home is not within the boundaries of District 6.
4. The location of the Scottsdale Home allows Robinson’s wife, a physician employed at the Mayo Hospital in Scottsdale, to be available at the hospital within 30 minutes, as her job requires. The couple’s former residence within District 6 also permitted her to be at Mayo Hospital within 30 minutes.
5. On or near September 25, 2021, Robinson executed a lease for a furnished residence located within District 6, at 4625 E. Winston Drive (the “Winston Drive Residence”). Robinson pays \$2,750 per month for rent.

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6. Robinson decided that he wanted to run for office in District 6 in approximately September of 2021. Housing inventory in the area was low and property values high at the time, so he entered into a one-year lease because, he testified credibly, he “was in it for the long haul.”
7. Robinson is not separated from his wife, but she does not spend the night at the Winston Drive Residence, which is situated more than 30 minutes from the Mayo Hospital.
8. Robinson purchased renter’s insurance for the Winston Drive Residence. Evidence indicates he receives at least some mail there, including his voter ID Card. Photographs reflect that Robinson keeps his required CPAP machine at the Winston Drive Residence. He also has toiletries, some food, and keeps quite a bit of men’s clothing there. Robinson’s address with the Department of Motor Vehicles is listed as the Winston Drive Residence. It is also the address on his personal checks.
9. Robinson is registered to vote at the Winston Drive Residence and has voted there in two elections recently. *Kauzlarich v. Bd. of Trustees of Oak Creek Sch. Dist. No. 16*, 78 Ariz. 267, 270–71, 278 P.2d 888, 891 (1955) (“The law is well settled in this state that the statement in an affidavit of [voter] registration as to place of residence is not conclusive [but] must be construed as strong proof of the correctness of [someone’s] residence.”)
10. Robinson’s lease for the Winston Drive Residence expires on September 30, 2022, before the election. He testified that he initially hoped to renew the lease and persuade his landlord to revise the lease to permit the couple’s pets.
11. Now, however, Robinson admittedly intends to find a new residence within District 6 because: (a) he believes his landlord is a friend of Plaintiff; (b) Plaintiff is also one of Robinson’s opponents in this race; and (c) Robinson believes the landlord has not respected his privacy.
12. Robinson’s testimony is highly plausible on this point. From the outset, the Verified Complaint (at ¶¶ 16-19) refers to data from a “Ring” video doorbell, a “Nest” thermostat, and utilities bills, all data within his landlord’s control.
13. Robinson testified credibly that he hopes to find a different residence within District 6 which, like the couple’s former residence (the one sold in 2020), would allow his Wife to be present at the Mayo Hospital within 30 minutes.

SUPERIOR COURT OF ARIZONA  
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14. Less convincing was Robinson’s explanation for his relatively few appearances on the “Ring” camera and for the propensity of the “Nest” thermostat to be set at relatively high temperatures at the Winston Drive Residence.
15. On the whole, however, the greater weight of the evidence reflects that Robinson has moved to District 6 and intends (and intended, at the relevant time) to reside permanently in that District. His wife ultimately will join him there as circumstances permit.

Accordingly,

**THE COURT FINDS** that Robinson is a resident of District 6 and was at the time his nominating petitions were filed.

**THE COURT FURTHER FINDS** that Robinson meets all residence requirements to stand for election in District 6.

**IT IS THEREFORE ORDERED** denying the application for injunction and dismissing Plaintiff’s Verified Complaint with prejudice.

**IT IS FURTHER ORDERED**, as a housekeeping matter, granting the motion to quash the subpoena issued to Robinson’s wife.

No further matters remain pending and this judgment is entered under Ariz. R. Civ. P. 54(c).

The parties are notified that, under A.R.S. § 16-351(A), any notice of appeal must be filed within five calendar days after the superior court’s decision in a challenge to the nomination of a candidate. See *Bohart v. Hanna*, 213 Ariz. 480, 143 P.3d 1021 (2006). An appeal that is belatedly prosecuted, such as one filed on the last day of the statutory deadline, may be dismissed on grounds of laches even if timely filed. See *McClung v. Bennett*, 225 Ariz. 154, 235 P.3d 1037 (2010). Special procedural rules govern expedited appeals in election cases. Ariz. R. Civ. App. P. 10.

/s/ HONORABLE M. SCOTT MCCOY

08/02/2022  
DATE

\_\_\_\_\_  
HONORABLE M. SCOTT MCCOY  
JUDICIAL OFFICER OF THE SUPERIOR COURT

# APPENDIX 2



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

MOISES SANCHEZ,

Plaintiff,

vs.

KEVIN ROBINSON, ET AL.,

Defendants.

No. CV 2022-009450

Phoenix, Arizona  
August 1, 2022  
1:07 p.m.

BEFORE THE HONORABLE M. SCOTT MCCOY

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

Proceedings recorded by electronic sound recording; transcript  
produced by eScribers, LLC.

BONNIE TORREZ, CET-1213  
BRODERICK VANSCHOICK  
KATHERINE SCHLAPPI  
MEREDITH BLOCK  
NICOLE FERGUSON, CDLT-149  
ELIZAABETH ARIZOLA  
Transcriptionists



I N D E XAugust 1, 2022

<u>PLAINTIFF'S WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VD</u>
Christine Ellis	8	19	27	--	--
Richard Robertson	29	32	--	--	--
Kevin Robinson	36	45	81	--	--
	--				

<u>DEFENDANTS' WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VD</u>
None					

M I S C E L L A N E O U S

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Defendants' Closing Argument	101
Matter Taken Under Advisement	109



EXHIBITS

PLAINTIFF'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
1 through 8	Admitted by stipulation	6	6

DEFENDANTS' EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
9 through 33	Admitted by stipulation	6	6

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APPEARANCES

August 1, 2022

Judge: M. Scott McCoy

For the Plaintiff:

John D. Wilenchik

Witnesses:

Christine Ellis

Richard Robertson

Kevin Robinson

For the Robinson Defendants:

Daniel A. Arellano

Jan Ahern

For the Archibald Defendant:

Deryck LaVelle

For the Maricopa County Board of Supervisors and  
Maricopa County Recorder Defendant:

Charles Trulinger

Joseph La Rue

Defendants' Witnesses:

None

Also Present:

Donna Kish, Maricopa County Recorder's Office

Tim Sifert, Maricopa County Superintendent's

Office

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Phoenix, Arizona

August 1, 2022

(The Honorable M. Scott McCoy Presiding)

EVIDENTIARY HEARING:

THE COURT: All right. We are on the record in CV 2022-009450, Moises Sanchez v. Kevin Robinson, et al. This is the time set for evidentiary hearing during the election challenge in this matter. Let's start with appearances please.

MR. WILENCHIK: Thank you, Your Honor. This is Jack Wilenchik for Plaintiff Moises Sanchez. Together with me is my assistant Tammie Spears (phonetic).

THE COURT: All right. Welcome.

MR. ARELLANO: Good afternoon, Your Honor. Daniel Arellano for Defendant Kevin Robinson. With me at counsel table is Jan Ahern.

THE COURT: All right. Thank you. Welcome to you folks as well. I see I have some exhibits up here. Do you folks want to deal with those ahead of time?

MR. WILENCHIK: Yeah. Counsel has discussed the stipulation to admit all evidence and we agree.

THE COURT: Okay.

MR. ARELLANO: Right, Your Honor.

THE COURT: All right. So we have 1 through 8. Well, we've got more than 1 through 8. So that's 1 through 33. Everyone agree 1 through 33 should be admitted?

1 MR. ARELLANO: That's correct, Your Honor.

2 THE COURT: All right. I will admit Exhibits 1  
3 through 33 by stipulation.

4 (Plaintiff's Exhibit 1 through 8 Received)

5 (Defendants' Exhibit 9 through 33 Received)

6 THE COURT: All right. Do we have any other  
7 preliminary matters to address?

8 MR. WILENCHIK: The Plaintiffs respectfully saw that  
9 there was a trial memorandum filed this morning by the  
10 Defendant; it's about seven pages long. I did not have an  
11 opportunity to read through that myself. I did ask an  
12 associate to sort of summarize it for me. You know, at this  
13 time we object to -- I don't know if Your Honor has read it,  
14 but we object to its filing. You can't file things on the eve  
15 of trial like that.

16 With that said, my associate did tell me there was a  
17 part in that trial memorandum where the Defendant conceded a  
18 certain thing. So I'd reserve the right to use that trial  
19 memorandum as evidence if necessary if what I hear from the  
20 Defendant himself is something different. But again,  
21 otherwise, we'd ask to strike that memo at this time. Or if  
22 the Court's not going to strike it, to give some opportunity to  
23 respond to it at a later time.

24 THE COURT: Okay. Mr. Arellano?

25 MR. ARELLANO: Your Honor, it's simply an outline of

1 the legal standards that I'll speak to in argument. And an  
2 outline of the summary of the trial exhibits that have already  
3 been admitted in evidence. And also the anticipated testimony  
4 today. The brief is itself testimony, it's not evidence. So  
5 we would object to it being used as such. That being said, I'm  
6 happy to let Mr. Wilenchik an opportunity to respond to it if  
7 he feels the need. But I think most of the legal points in  
8 there at least are pretty unobjectionable.

9 THE COURT: Okay. I will deny the motion to strike.  
10 Certainly you're going to have the opportunity to tell me where  
11 you folks stand on the law and the facts, whether that be at  
12 the conclusion of today's proceedings or if you file something  
13 in writing, I'm open to that as well. Although we certainly  
14 have a limited amount of time to do that, in terms of getting  
15 this done. So the motion to strike is denied. Were there any  
16 preliminary matters?

17 MR. WILENCHIK: Nothing from Plaintiff.

18 MR. ARELLANO: Nothing from us, Your Honor.

19 THE COURT: Okay. Well, let's go ahead and get  
20 started. I think I understand the case reasonably well. If  
21 you have some preliminary remarks, that's fine. If you want to  
22 waive those and just get started, that's fine too.

23 MR. WILENCHIK: We'll waive our preliminaries. I  
24 understand a two-hour limit here. And will that be equally  
25 divided?

1 THE COURT: Yes.

2 MR. WILENCHIK: Okay. I'll go ahead and call my  
3 first witness, Christine Ellis.

4 THE COURT: Okay.

5 MR. WILENCHIK: I apologize, Your Honor. There was  
6 one more thing to address. Both sides are stipulating not to  
7 invoke the rule.

8 THE COURT: Okay. So the rule has not been invoked.  
9 Okay. Ma'am, if you would please come on up to the witness  
10 stand; you can go around that way. And then before you have a  
11 seat, my clerk will swear you in.

12 CHRISTINE ELLIS  
13 called as a witness for the Defendant, having been duly sworn,  
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WILENCHIK:

17 Q Good morning, Ms. Ellis.

18 A Good morning.

19 Q What do you do for a living?

20 A I'm a realtor.

21 Q Do you also rent out homes that you own?

22 A Yes, I do.

23 Q And how many homes do you rent out?

24 A Currently, we have four.

25 Q Do you know the Defendant, Kevin Robinson?

1 A I do.

2 Q How do you know him?

3 A He's a tenant in one of my homes.

4 Q When did he apply to rent the home?

5 A It was about September of 2021.

6 Q And where is that home located?

7 A In Ahwatukee. The address is 4625 East Winston  
8 Phoenix, Arizona 85044.

9 Q I'll show you a copy of what has been marked as  
10 Exhibit 3.

11 THE COURT: You may.

12 BY MR. WILENCHIK:

13 Q Do you recognize this?

14 A I do.

15 Q How long is that lease for?

16 A It is until the 3rd of September of 2022.

17 Q Was it a year-long lease?

18 A Yes, it is a year-long lease.

19 Q What is the termination date on the lease?

20 A 9/30/2022.

21 Q Did you rent this home fully furnished?

22 A Yes, it is fully furnished.

23 Q When you rented the home to Defendant Robinson, did  
24 you have a discussion with him about why he was renting the  
25 home?

1           A       Yes. We talked about he's an ASU professor and he  
2 was looking to say in the area. I guess there's some classes  
3 that can go late and such, and so just having some place he can  
4 go to after classes and having meetings.

5           Q       Do you have a Ring camera in the home?

6           A       On the outside only, yes.

7           Q       Can you explain what a Ring camera is?

8           A       A Ring camera just picks up motion, persons, things  
9 that happen outside the front and records it.

10          Q       Is there any way for someone to enter or leave the  
11 home -- although, I'm going to refer to this as the Winston  
12 home.

13          A       Okay.

14          Q       Is there any way for someone to enter or leave the  
15 Winston home without being seen by the Ring camera?

16          A       Possibly if they went out the back door.

17          Q       Is that the way you typically enter the home?

18          A       No. The front door and the garage -- the garage  
19 entrance and the main entrance all through the front door.

20          Q       So you say the garage entrance goes to the front  
21 door. Can you explain that a little bit?

22          A       Sure. This is an older home so they're set up  
23 that -- okay.

24                 THE COURT: Please continue.

25          A       It's an older home so the garage comes up the front

1 and it's not your usual open the door, walk into the laundry  
2 room. You have to open the door and walk into -- like go  
3 outside and in through the front door.

4 BY MR. WILENCHIK:

5 Q Does the Ring record video when it detects a person  
6 at the door?

7 A It does.

8 Q Does it also record the date and time of the video?

9 A It does.

10 Q Have you reviewed that information for the Ring  
11 camera on Winston?

12 A Yes, I have.

13 Q Did you save screenshots of that information?

14 A I did.

15 Q I'll show you what's been marked as Exhibit 4.

16 A May I get my glasses, please?

17 Q Yes, please. So what's in front of you is Exhibit 4,  
18 the screenshots of the Ring log that you saved?

19 A Yes.

20 Q When did you save these screenshots?

21 A It was on Saturday or Sunday -- no, I'm sorry. I  
22 think it was Friday of last week. It was just recently, a  
23 couple days ago.

24 Q The date on the screenshot?

25 A Oh yeah, the -- you know, I apologize, it's a little



1 blurry there.

2 Q It is hard to read.

3 A Yes. It's like the 27th, it looks like.

4 Q It does say 26, but we can all read.

5 A My apologies.

6 Q How many days did the Ring camera, according to these  
7 logs, detect somebody at the home in July?

8 A In July? Kind of hard to, but it looks like  
9 there's -- one, two -- six days total.

10 Q And could you tell us how many days the Ring camera  
11 detected somebody since July 7th?

12 A July 7th?

13 Q Correct.

14 A It looks like the camera got activated about 20  
15 something times for activation.

16 Q I was asking July 7th.

17 A July 7th, right?

18 Q Right. Let me make clear. On how many days since  
19 July 7th?

20 A Oh, I got you. I apologize. It looks to be six  
21 days.

22 Q During the prior month of June --

23 THE COURT: I'm sorry, I need to interrupt. We'll  
24 get right back to you. Folks, this is Judge McCoy. We have  
25 someone or perhaps more than one person who's on the

1 teleconference who has not muted their microphone and so we're  
2 hearing background noise. If you're on the teleconference, you  
3 need to mute your microphone immediately. Thank you. Please  
4 continue.

5 BY MR. WILENCHIK:

6 Q During the prior month of June, how many days did the  
7 Ring camera detect a person at the residence -- sorry, at the  
8 home?

9 A It looks like five.

10 Q Was anyone detected at the home by the Ring camera on  
11 July 22nd, 23rd, 24th, or 25th?

12 A No, I don't see any recordings for that.

13 Q Did you actually look at the videos for the  
14 recordings in this log?

15 A Yes, I looked at several of them.

16 Q And the several that you saw, do they show Mr.  
17 Robinson?

18 A Yes, they do.

19 Q Have you reviewed the log for the Ring camera since  
20 you pulled up these screenshots?

21 A In the past few days? Yes.

22 Q Have you reviewed -- do you see any activity on the  
23 Ring log for the past few days.

24 A Yes.

25 Q And did you look at the video?

1 A Yes, I did.

2 Q What did it show?

3 A Mr. Robinson coming and going from the property.

4 Q At some point is the view obstructed?

5 A Yes, there is a point where the camera gets covered.

6 Q Do you see who covered it?

7 A Mr. Robinson.

8 Q Did you also install a Nest smart thermostat in the  
9 home?

10 A Yes, we do have a Nest smart thermostat installed.

11 Q What is a Nest smart thermostat?

12 A It is one that you can control via your phone,  
13 through Wi-Fi. It helps you keep temperature in the house. It  
14 simply helps you with your air conditioning and such.

15 Q Why did you install a thermostat in the home?

16 A We were concerned that there may be times if it gets  
17 too hot in the house. Heat in Arizona does not do well with  
18 properties. And if we have challenges with air condition going  
19 out or something happening to it, we need to know if the air  
20 conditioner is failing, we need to get on it right away. So we  
21 like to make sure that all the house's temperatures are set to  
22 the appropriate place or if it gets too hot, we know it right  
23 away. Our thermostat tells us, and we know we may have to send  
24 out an air conditioning tech or something.

25 Q Was there anything that Mr. Robinson said to you that

1 made you particularly concerned about installing a thermostat  
2 in this property?

3 A Well, my only concern was that if he wasn't going to  
4 be in the house often, or if he was going to take long breaks  
5 away from the property, if we didn't know what was going on  
6 that -- in the house, we would have a challenge. We had had a  
7 property that had a water failure, and so we got very concerned  
8 the beginning of the year after the water failure about just  
9 monitoring properties that may not have people in there.  
10 Another challenge is an -- is insurance issues. If you -- when  
11 you have an insurance policy and if something happens in the  
12 property and you can't show someone was there, especially if  
13 it's after 30 days or longer, you may not have to -- you may  
14 get a denied claim. So our big concern was basically  
15 protecting the property.

16 Q You testified earlier that during the process of  
17 applying for the lease, Mr. Robinson had indicated he would be  
18 using this home after he teaches classes at ASU.

19 A That he would be there -- yes, because he teaches at  
20 ASU.

21 Q When did you install the thermostat?

22 A That would've been January-ish.

23 Q And can Nest Thermostats detect movement?

24 A Yes, they can do that. They have that ability.

25 Q When they detect movement, what happens to them?

1           A     It -- the way it works with a Nest sometimes is if  
2     you -- it doesn't run heating or cooling when no one is in the  
3     property, and so you can set it so that it either turns on when  
4     someone comes in to a comfortable temperature that they have  
5     set, or that it will raise the temperature if no -- there is no  
6     motion detected.

7           Q     Have you been checking the temperature on that Nest  
8     Thermostat?

9           A     We've -- we've checked the --

10          MS. AHERN: Your Honor, objection to the question.

11          THE COURT: What is the objection?

12          MS. AHERN: The objection is that this calls for an  
13     opinion, and Ms. Ellis is not qualified. She has not been  
14     presented as an expert.

15          MR. WILENCHIK: The question was, have you been  
16     checking the temperature on the thermostat. I've got a Nest  
17     Thermostat. I could check it right now. It's not an expert  
18     opinion. It shows a number.

19          MS. AHERN: Your Honor, he's asking about how Nest  
20     works generally, not just the specific time in question.

21          THE COURT: Okay. Well, we've gone down this road a  
22     fair amount. Let's do this, why don't you establish what this  
23     witness's familiarity is with Nest, and then you can take it  
24     from there. I don't think it calls for an expert opinion, but  
25     she can testify about her experience with it.

1 MR. WILENCHIK: Well, and I'll say I'm done with  
2 those questions. I think it's a blighted objection, but I will  
3 do that, Your Honor.

4 BY MR. WILENCHIK:

5 Q Ms. Ellis, how many Nest Thermostats do you have?

6 A In all of our properties? One in each -- at least  
7 one in each house, so five, and then two in another, so six.

8 Q And how long have you been using the Nest Thermostat?

9 A Probably about four or five years now.

10 Q Do you feel you're very comfortable with the way they  
11 work?

12 A Yes, I do feel comfortable with the way they work.

13 Q Are you able to check the temperature on the Nest  
14 Thermostat using your phone?

15 A Yes, we are able to do that.

16 Q Have you been doing that with the Nest Thermostat at  
17 that home?

18 A We did. We had an -- an issue with the -- with the  
19 air conditioner, so we've been checking to make sure that the  
20 temperatures don't go up too high.

21 Q How often have you been doing that?

22 A As it gets hotter, we check it probably more  
23 frequent, so once a week.

24 Q How long have you been doing that for at this home?

25 A I would say March or April, since it started getting

1 warmer.

2 Q When you check the thermostat temperature, what have  
3 you seen?

4 A We've seen it mostly stays in and around the 86-  
5 degree range. If it gets higher than that, we get concerned.

6 Q You get the bills for the electrical usage of the  
7 home?

8 A Yes, we do.

9 Q Who's the electrical provider?

10 A Salt River Project.

11 MR. WILENCHIK: This has been marked as Exhibit 5.

12 BY MR. WILENCHIK:

13 Q What is this exhibit in front of you here?

14 A These are my electric bills.

15 Q What was the bill for this last month?

16 A So the last bill is -- say August 9th is \$75.

17 Q And we can see there it's for service from June 15th  
18 through July 15th, correct?

19 A Yeah.

20 Q As compared to the other homes that you rent out, is  
21 that relatively low or high for usage?

22 A It's a little lower than usual.

23 Q Did you have another tenant at this home during the  
24 previous year?

25 A Yes, we did have someone who lived there then.

1 Q And was their usage higher or lower?

2 A Their usage was higher.

3 Q Can we see that on this SRP bill?

4 A Let's see. Yes, it looks like there's August, and  
5 September, and October of 2021 in here.

6 Q (Indiscernible). You indicated you can see the prior  
7 year's usage. Is that something we can see in this graph here?

8 A Yes, it is something you can see.

9 Q And if you could walk us through it. What do the  
10 lighter colored bars indicate?

11 A The lighter colored bars, according to this, says  
12 2021.

13 Q And that's the prior year where you had tenants  
14 living there?

15 A Yes, that is that year.

16 Q And what are the dark colored bars?

17 A That says it's 2022.

18 Q That's the period of time that the Defendant was  
19 leasing from you?

20 A Yes, that's correct.

21 MR. WILENCHIK: Okay, no further questions.

22 THE COURT: Any cross-examination?

23 MS. AHERN: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. AHERN:

1 Q Ms. Ellis, I have a few things I wanted to circle  
2 back and confirm. So the Ring camera. You had mentioned that  
3 it picks up and detects activation in the front of the house,  
4 but not the back of the house?

5 A Correct.

6 Q So if someone were going in and out of the house, it  
7 would not have picked that up through the back?

8 A From the -- correct. It would not have picked up  
9 through the back.

10 Q Okay. And when you entered into the lease for 4625  
11 Winston Drive, did you require Mr. Robinson to get insurance of  
12 any kind?

13 A No, that's a -- it's a personal choice if they want  
14 to be insured or not, they can have tenants' insurance. But  
15 with it being fully furnished, it was on my insurance policy to  
16 handle that. So he -- whatever he brought in, he can have  
17 insured.

18 Q Okay. All right. And Ms. Ellis, how long have you  
19 known Mr. Sanchez, the Plaintiff in the case, for?

20 A About six years.

21 Q Six years?

22 A Um-hum.

23 Q Okay, and at the time that you leased the property --  
24 I'll call it the Winston Drive house.

25 A Yes.

1 Q At the time that you leased the Winston Drive house  
2 to Mr. Robinson, you knew that Mr. Robinson and Mr. Sanchez  
3 were running for the same seat for city council, correct?

4 A No, I did not.

5 Q You did not know that?

6 A No.

7 Q When did you become aware of that?

8 A When Kevin announced that he was running. I didn't  
9 know that he was running prior to the lease being started.

10 Q Okay. So did you have any conversations with Mr.  
11 Sanchez at any point about the fact that you were leasing a  
12 property to Mr. Robinson?

13 A No. What we did was when we were at an event, there  
14 was a bunch of us -- we were at the Ahwatukee event, and we  
15 were all standing in a line at a serving station. And Mr.  
16 Robinson came up and said hi to Moises, said hi to me, and  
17 Moises introduced me, and Mr. Robinson and I said oh, hey, how  
18 are you, good to see you. And then Moises said oh, how do you  
19 know -- how do you know Kevin? I said, oh, he's a tenant of  
20 mine. So that's where it came from.

21 Q Okay. Circling back to the Ring camera, when exactly  
22 did you install the Ring camera on the property at Winston  
23 Drive?

24 A That would've been the same time as the Nest. So it  
25 would've been in January-ish.

1 Q Okay, January of 2022?

2 A 2022, correct.

3 Q Okay. Did you have any conversations with Mr.  
4 Sanchez about the fact that you were installing a Ring camera  
5 at the property?

6 A Yes, my husband, Eddie (phonetic), did. He was  
7 texting him.

8 Q Okay. Can you tell me about the nature of that  
9 conversation?

10 A Yes. So we had a flood at one of our properties in  
11 Ahwatukee, it was a condo. And because it was vacant, we  
12 didn't know it was happening until about an hour after it  
13 started. So our concerns were about our properties. So what  
14 we did is we put -- all of our houses have Rings, have Nest.  
15 We hadn't put one in that one yet, but after the condo  
16 situation, we were concerned. So we put in the water leak  
17 detector, we put in a Nest, and we put in a Ring for both  
18 insurance purposes and just to see if we had to check on  
19 anything.

20 Q Right. So what does that have to do with Mr.  
21 Sanchez? Why would he need to know that?

22 A I have no idea.

23 Q Okay. Did Mr. Sanchez ask you to track Mr. Robinson  
24 coming and going from the property?

25 A No, not at all.



1 Q But you don't know the exact nature of the  
2 conversation between your husband and Mr. Sanchez, so  
3 (indiscernible).

4 A It was a text conversation -- oh, no. Definitely  
5 not.

6 Q Okay.

7 A We would never do that.

8 Q Well, speaking of that, you said that you leased four  
9 other properties?

10 A Correct.

11 Q And have you installed Ring cameras in all of those  
12 properties?

13 A Yes, we do.

14 Q And do you give the tenants in those properties  
15 access to the Ring camera system so that they can see the log?

16 A It depends on how long they stay there. If they  
17 request it, absolutely. If they don't want it, I -- so it  
18 depends on how long they're staying. All of our rentals are  
19 furnished rentals. So some are only staying a week, some are  
20 staying six months, some are staying -- it just depends on how  
21 long they're there.

22 Q Okay, but you allow them access to the Rings?

23 A Sure, if they want it. Absolutely.

24 Q Okay, did you offer Mr. Robinson access to the Ring?

25 A Again, it was my husband who had the conversation



1 with him. So it wasn't denied from him if he ever asked.

2 Q But it wasn't offered, to your knowledge?

3 A I don't know the answer. So no, sorry.

4 Q Okay. And with respect to the four other properties,  
5 do you keep tabs on the coming and goings of the tenants in  
6 those properties too, or just Mr. Robinson?

7 A No, I don't keep comings and goings. It's just to  
8 know if somebody is not at the property, then we do like to  
9 check on it.

10 Q Okay. And I have a few more questions with respect  
11 to the SRP bills that you had mentioned.

12 A Um-hum.

13 Q Turning your attention to those SRP bills, you  
14 provided Mr. Sanchez with the copies of the SRP bills prior to  
15 receiving a subpoena, correct?

16 A I don't think so, but I don't remember. I apologize.

17 Q How would they have gotten those if you had not  
18 provided it to them?

19 A No, I did provide it to them. I just don't recall if  
20 it was before or after the subpoena date.

21 Q Okay. Do you remember when you actually provided the  
22 copies to them?

23 A Is it on here? Ma'am, I apologize. I don't have the  
24 date I provided that.

25 Q Okay. Thank you for that.



1 A You're welcome.

2 Q Why would you provide records of Mr. Robinson's water  
3 and electricity usage to one of his political opponents?

4 A Because the attorney -- someone on his camp asked me  
5 for it. So the attorney asked me for it, or somebody that was  
6 working with him asked me for it.

7 Q Okay. So my question is, was it provided prior to  
8 the lawsuit being initiated?

9 A No, I don't believe it was prior the lawsuit being  
10 initiated, no.

11 Q Okay. But it may have been prior --

12 MR. WILENCHIK: I'm sorry, I need to blatantly object  
13 to foundation. I don't know if she knows when the lawsuit was  
14 filed.

15 THE COURT: Okay, that's sustained. You can rephrase  
16 or --

17 MS. AHERN: Okay.

18 THE COURT: -- lay foundation.

19 BY MS. AHERN:

20 Q Okay. Ms. Ellis, I'm asking because we would like to  
21 know if these documents were shown to Mr. Sanchez, or if they  
22 were known to Mr. Sanchez prior to the lawsuit, or if they came  
23 out afterwards?

24 A Yeah, my apologies. I --

25 MR. WILENCHIK: Object to relevance. I don't know

1 how it's relevant to his residency.

2 THE COURT: Overruled.

3 MS. AHERN: Okay.

4 BY MS. AHERN:

5 Q Turning your attention to the Ring camera logs.

6 A Um-hum.

7 Q When did you provide the Ring camera log to Mr.  
8 Sanchez?

9 A I didn't provide anything to Mr. Sanchez.

10 Q How did he get it?

11 A I gave it to his attorney.

12 Q Okay. So you provided it to Mr. Sanchez's counsel?

13 A Correct.

14 Q At whose request?

15 A The attorney's.

16 Q How did they request it?

17 A Through a subpoena.

18 Q Through a subpoena?

19 A Um-hum.

20 Q Okay. Why would you have that log in the first  
21 place? Why would you track the comings and goings of one of  
22 your tenants and provide it to one of his political opponents?

23 A It's not that it's a -- it's just something that  
24 happens when you have a Ring account. It's just always there.  
25 You don't -- it's not that you track it or not track it, it's

1 just there.

2 Q But Mr. Robinson didn't have access to it?

3 A He could have if he wanted it, yeah.

4 MR. WILENCHIK: Your Honor, I'm going to object.  
5 It's argumentative, and it's been asked and answered too.

6 THE COURT: All right, it's argumentative. I'll  
7 sustain that.

8 MS. AHERN: All right. Thank you, Your Honor. Thank  
9 you, Ms. Ellis.

10 THE COURT: All right, any redirect for this witness?

11 MR. WILENCHIK: Very brief, Your Honor. I'm trying  
12 to make sure our -- why the witness is here too. So -- okay.

13 REDIRECT EXAMINATION

14 BY MR. WILENCHIK:

15 Q Ms. Ellis, just one question, I think. You were  
16 asked about -- can you gain entry to the house from the back  
17 and bypass the Ring camera? I believe I've already asked you  
18 that, you know, that's not the normal way you'd enter the home?

19 A Correct, that's not the normal way.

20 Q Can you walk us through what that really consists of  
21 to avoid going by the Ring camera to get into this home?

22 A So there's a side gate. You would walk in the side  
23 gate, and then you can either go through the yard to get to the  
24 back door, which is a double French door, or there is a sliding  
25 glass door, but that doesn't have key access, so you would have

1 to go to the back door.

2 Q Does that involve walking over grass?

3 A No, gravel.

4 Q Is that longer than the route to the front door?

5 A Yes, it would be longer.

6 Q I take it that's a paved route?

7 A Yes, the way in would be paved.

8 MR. WILENCHIK: All right. No further questions.

9 THE WITNESS: Okay.

10 THE COURT: Okay. Ma'am, you may step down.

11 THE WITNESS: Okay. Thank you. Should I -- do you  
12 want these?

13 THE COURT: Just leave those where they are, please.

14 THE WITNESS: Okay. Thank you.

15 THE COURT: We'll find them. Thank you.

16 Mr. Wilenchik.

17 MR. WILENCHIK: Your Honor, we will call Rich  
18 Robertson to the stand.

19 THE COURT: All right. Sir, if you would please come  
20 on up. And before you have a seat, my clerk will swear you in.

21 RICHARD ROBERTSON

22 called as a witness for the Plaintiff, having been duly sworn,  
23 testified as follows:

24 THE COURT: Okay. And do you want him to have those  
25 particular exhibits that are up there?

1 MR. WILENCHIK: No, I don't think I'm going ask about  
2 it. I can grab them.

3 THE COURT: Can you grab them, and get them back to  
4 the clerk? Over there, yeah.

5 DIRECT EXAMINATION

6 BY MR. WILENCHIK:

7 Q Good afternoon, Mr. Robertson.

8 A Hi.

9 Q What do you do for a living?

10 A I'm a State licensed private investigator.

11 Q Were you hired to arrange for surveillance of the  
12 home at 7660 East Tuckey Lane in Scottsdale?

13 A Yes, sir.

14 Q First, did you conduct an investigation into  
15 ownership of that home?

16 A Yeah, I checked some public records on it, yes.

17 Q And what did you see in public records regarding  
18 ownership of the home in Scottsdale?

19 A Well, the ownership name on it is blocked out on  
20 recorder, assessor records. So the actual name of the owner of  
21 that house is redacted from public records.

22 Q You see any indications of the ownership of that  
23 home?

24 A Yeah, other records I looked at suggested that it was  
25 the trust, of which the trustees are Kevin Robinson and his

1 wife, Michele.

2 Q All right. Did you, in fact, arrange for  
3 surveillance of that home in Scottsdale?

4 A I did.

5 Q And what did the surveillance consist of?

6 A I had a -- I assigned an investigator to check out  
7 the place where he could put a camera, in a public area and  
8 pointed toward that house, because it's in a gated community.

9 Q Did you receive video back from that investigator?

10 A I did.

11 Q And did you review any parts of the video that showed  
12 activity?

13 A Yes.

14 Q Show you what's been marked as Exhibit 8. I'll give  
15 you a paper copy too.

16 A Sure.

17 MR. WILENCHIK: Did you want (indiscernible)?

18 THE CLERK: Yes, please.

19 BY MR. WILENCHIK:

20 Q I'm going to hand you what's been marked as Exhibit 7  
21 and 8, because we'll look at both.

22 A Thank you.

23 Q Exhibit 8 is also shown on the computer screen. Is  
24 this a still frame from the videos of 8?

25 A It is.

1 Q When was this still frame (audio interference)?

2 A The metadata on the video shows it was on July 22nd  
3 of 2022, at 1837 hours, which would be 6:37 p.m.

4 Q I'm going to zoom in on this, but --

5 MR. WILENCHIK: Oh really? Well, that's  
6 (indiscernible). I want to look at -- okay, you got it.

7 BY MR. WILENCHIK:

8 Q What do you see in this?

9 A There's a subject standing in the driveway of the  
10 house that we were monitoring.

11 Q Can you describe the subject?

12 A It appears is a black or dark skinned Hispanic male  
13 in the driveway, wearing a blueish shirt.

14 Q Now, you did watch this video, right?

15 A I did.

16 Q Does that man enter the home?

17 A He did enter the garage.

18 Q What did it appear to you -- back up. You said this  
19 was on July 22nd, which, you know, for judicial notice was a  
20 Friday. What did you see in the entire video here, if you can  
21 describe it?

22 A Well, the electronic surveillance was conducted from  
23 Friday, the day, to about crack of dawn on Monday. And during  
24 that time, we only saw activity on Friday, Friday afternoon and  
25 evening.

1 MR. WILENCHIK: Okay. No further questions.

2 THE COURT: Okay. Any cross-examination?

3 CROSS-EXAMINATION

4 BY MS. AHERN:

5 Q Good afternoon, Mr. Robison. So the video from July  
6 22nd, that camera was out there, you said, from Friday to  
7 Monday?

8 A Correct.

9 Q And during that entire time period, it only captured  
10 that one instance of Mr. Robinson being in front of his garage  
11 and then leaving, correct?

12 A Right. The second video, it showed just the garage  
13 door opening and closing, without anybody being -- a visible  
14 person.

15 Q Okay. And so in that video, Mr. Robinson leaves,  
16 correct?

17 A In which? The one we're talking about?

18 Q It might be helpful, I can --

19 A The one where he's visible in the driveway?

20 Q Yeah, the one where he's visible in the driveway.

21 A Okay. Well, number one, I'm not saying that's Mr.  
22 Robinson.

23 Q The person that you identified initially.

24 A Okay. Personally saw in the driveway was -- I think  
25 arrived by a car, and then was in the driveway. And then the

1 garage door opened, and went inside.

2 Q And then he went inside. Okay. And did he leave  
3 again, after that?

4 A I believe -- been a week since I looked at this.

5 Q We can play it if you'd like.

6 A If you have it, yeah.

7 Q Yeah, absolutely.

8 (Video played at 1:43 p.m.)

9 BY MS. AHERN:

10 Q Okay. So he was picked up?

11 A Right. Then, a car came back, and I believe he got  
12 out -- a person got out, if I remember right, later in the  
13 evening.

14 (Video played, ending at 1:44 p.m.)

15 BY MS. AHERN:

16 Q And you see he goes back in?

17 A Right. Yeah, I believe a --

18 Q And what --

19 A -- person -- a person -- a person got out of a car  
20 across the street and walked to the house, through the garage.

21 Q Okay. So he leaves, comes back in, and walks in  
22 through the garage. "He" being the person that you identified?

23 A Correct. A person, yes.

24 Q Okay.

25 MS. AHERN: And then, can we keep playing it?

1 (Video played at 1:44 p.m., ending at 1:45 p.m.)

2 BY MS. AHERN:

3 Q Would you agree that that shows him exiting -- the  
4 person that you identified, exiting through the garage and  
5 driving away?

6 A No, I wouldn't say that. A car pulled out of the  
7 garage and left, yes. I would say a car pulled out of the  
8 garage and left.

9 Q Okay. So how long were you hired to surveil Mr.  
10 Robinson for -- or I apologize. How long were you hired to  
11 surveil the 7660 row home?

12 A Just from Friday to Monday.

13 Q Just for that weekend?

14 A Correct.

15 Q All right. And during that weekend, a person was  
16 seen standing in front of the garage?

17 A Correct.

18 Q Leaving in a car?

19 A A car left, correct.

20 Q Returning to the house?

21 A A car returned to the house, yes; and a person went  
22 inside.

23 Q Entering the home. And then, a person exited the  
24 home, got into a car, and drove away? Or left -- got into a  
25 car while he was in the garage, and then drove away?



1 Defendant, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. WILENCHIK:

4 Q Good afternoon, Mr. Robinson.

5 A Good afternoon.

6 Q Is your wife named Michele Halyard?

7 A Yes, it is.

8 Q You and Michele are not separated, correct?

9 A No, we are not.

10 Q Has Michele ever slept at the home on Winston?

11 A No, she has not.

12 Q Has she ever been to the home on Winston?

13 A Yes, she has.

14 Q When was that?

15 A When I first rented the property back in October, she

16 was there several times, when we would go out to dinner in

17 Ahwatukee, and things like that, so we'd go by the house.

18 Q Has she been there within the past month?

19 A No, she has not.

20 Q Where does Michele sleep?

21 A Michele resides at our residence at 7660 East Tuckey

22 Lane.

23 Q Is that in Scottsdale?

24 A Yes, it is.

25 Q That's primarily where you go to sleep too, isn't it?

1 A No, it is not.

2 Q How long have you owned the home in Scottsdale?

3 A I believe we purchased it 2020, believe -- yes.

4 Q You teach classes at ASU?

5 A I do.

6 Q Teach during the summer?

7 A No, I do not.

8 Q Who is Jordan Kelly (phonetic) -- going to  
9 mispronounce the last name.

10 A Jordan Camoriano. Camoriano.

11 Q Camoriano, thank you. Actually, know Italian,  
12 believe or not, Camoriano. Who is he?

13 A He is my stepson.

14 Q Has he ever lived at the house in Scottsdale?

15 A He has stayed there. He hasn't actually lived there,  
16 lived there, but he stayed there several times.

17 Q When was the last time he stayed there?

18 A Last time Jordan stayed there?

19 Q Right.

20 A Right off hand, I couldn't tell you.

21 Q Do you know if he's ever listed his address as the  
22 home in Scottsdale?

23 A He may have.

24 Q So not last Friday, but the Friday prior, which is  
25 the 22nd, the same day in which we reviewed that footage, were

1 you at the home in Scottsdale?

2 A Yes, I was.

3 Q And what were you doing there?

4 A My wife was out of town, so I was there to check on  
5 the dogs, hang out with them for a little bit.

6 Q Did you go out of town that weekend?

7 A Did I go out of town? No.

8 Q Where did you stay that weekend?

9 A Saturday night, I believe -- well, I was there Friday  
10 evening. Then, I realized I didn't have my CPAP there. I'd  
11 left it at the Winston Drive address. So I went back later  
12 that evening to get it, and ended up, I believe, just staying  
13 the night; because I do this often, obviously. Stayed the  
14 night, came back early the next morning. Then, that Saturday  
15 night -- because I brought the CPAP with me, I believe I stayed  
16 in my wife's residence at 7660 East Tuckey Lane.

17 Q So Friday night, you went back to get the CPAP,  
18 because you intended to return with the CPAP to Scottsdale and  
19 sleep there, correct?

20 A No, I realized -- it was in the evening, Friday  
21 evening. I didn't have the CPAP there. I left it where I'd  
22 slept the night before, at the Winston Drive address. And I  
23 can't sleep without it, so I decided to go back and get it.  
24 And I believe I just stayed the night, because I was tired. I  
25 just came back the next morning.

1 Q How did you get into the property that night in  
2 Phoenix? That Friday night.

3 A The way I started, several months ago. I pull into  
4 the garage, take the garage door opener, walk out, shut the  
5 garage, go around the back, and I go in the back door.

6 Q Don't go in the front door?

7 A Nope.

8 Q Why is that?

9 A Well, there were concerns by my wife and members of  
10 my campaign team that I might have been monitored with the Ring  
11 device. And so I just started avoiding it all together.

12 Q The next night, you testified you traveled all the  
13 way back to the Scottsdale home and slept there, correct?

14 A Yes.

15 Q That was Saturday?

16 A Saturday. I was taking care of the dogs, so I went  
17 back early morning.

18 Q And the night after that Sunday, you also slept at  
19 the Scottsdale home, correct?

20 A I believe I did. My wife was out of town.

21 Q What about the night after that?

22 A I believe I slept -- I wouldn't have stayed. I try  
23 to stay at the Winston Drive address Monday through Thursday,  
24 Monday through Friday, it depends. So I believe I was at the  
25 Winston Drive address that evening.

1 Q You aware if there's a thermostat in the home on  
2 Winston?

3 A I am.

4 Q Have you ever used that thermostat in any way?

5 A I will if I'm cold, or if I'm hot. Depending on what  
6 the situation is, yes.

7 Q Your testimony is that you've actually lowered the  
8 temperature on that thermostat?

9 A I have.

10 Q How often do you do that?

11 A Whenever I get cold -- or whenever I got hot, rather,  
12 I'll lower it.

13 Q You do it every night you're there?

14 A Not necessarily, no.

15 Q I'm going to show you what's been marked as Exhibit  
16 33, put this up on the computer. So is this a photo -- is this  
17 a photograph that you took, Mr. Robinson?

18 A Yes, it is.

19 Q And what is this intended to show us?

20 A It was just a picture taken of the master bathroom  
21 where I keep my toiletries.

22 Q There are no women's toiletries there, correct?

23 A No, there are not.

24 Q You've also taken photos of your closet at the  
25 Winston address, correct?

1 A Yes, I have.

2 Q And there's no women's clothes there, either, are  
3 there?

4 A Actually, there are some, yes.

5 MR. WILENCHIK: Okay. Can you put up Exhibit 31?

6 BY MR. WILENCHIK:

7 Q Are women's clothes shown in any of your photos?

8 A No, you really can't see it that well. Toward the  
9 back, there is some women's clothing back there on the  
10 left-hand side, and it's just some longer dresses, some things  
11 like that, that belong to my wife.

12 Q So they're not visible in your photos, correct?

13 A No.

14 Q Okay. I'd like to show you what's been marked as  
15 Exhibit 12. A document that -- recognize this document?

16 A Yes, it is.

17 Q Is this a copy of your renter's insurance for the  
18 home on Winston?

19 A Yes, it is.

20 Q And property address here (indiscernible) insured,  
21 (indiscernible) Michele's name. I see your name.  
22 (Indiscernible) insurance policy?

23 A The address that's listed there is 7600 East Tuckey  
24 Lane, and obviously that's the wrong address. 7660 is the  
25 actual address.

1 Q I'd like to show you (audio interference) marked as  
2 Exhibit 28. This is another photo that you took, correct?

3 A Yes.

4 Q Sir, would you agree with me this is a mostly empty  
5 refrigerator?

6 A Oh, yes, it is.

7 MR. WILENCHIK: That's all.

8 BY MR. WILENCHIK:

9 Q I'll show you what's marked as Exhibit 25. Now, sir,  
10 this is a furnished rental, correct?

11 A Correct.

12 Q So none of the furniture shown here is yours?

13 A No, none of it.

14 Q Have you ever cleaned the carpet in this home?

15 A No, I haven't had to.

16 Q You agree with me it looks pretty clean?

17 A It is, yes.

18 MR. WILENCHIK: Show Exhibit 29.

19 BY MR. WILENCHIK:

20 Q Displaying what's marked as Exhibit 29; is this  
21 another photograph you took?

22 A Yes.

23 Q What was this intending to show?

24 A I keep food there. I eat there.

25 Q Agree with me most of these boxes are not even open?

1           A       The -- oh, I think one on top is not. But I believe  
2 the others on the bottom, except for the Cheerios box to the  
3 far left is not open; the others are.

4           Q       You and your wife use T-Mobile?

5           A       T-Mobile, no; we do not.

6           Q       Where do you have the bills for your cell carrier  
7 sent to?

8           A       I don't know that we get any bills for it. I think  
9 it's all electronic.

10          Q       Have you filed a tax return for the year 2021?

11          A       Yes, we have.

12          Q       You know what return address is on the filing?

13          A       It was all electronic, but I'm sure it was 7660 East  
14 Tuckey Lane.

15          Q       When did you first decide you were going to run for  
16 office in District 6?

17          A       I decided in September.

18          Q       And you rented the home in Winston in October 2021,  
19 correct?

20          A       That's correct.

21          Q       You rented that home just to try to establish  
22 residency in the district, didn't you?

23                   MR. ARELLANO: Objection. Argumentative.

24                   THE COURT: Overruled.

25          A       I rented the home inside of -- at Winston Drive so

1 that I would be eligible for the candidacy, yes.

2 BY MR. WILENCHIK:

3 Q How many times have you actually slept in that home  
4 in the past month?

5 A The past month. Looking at the month of July,  
6 probably 16, 17, maybe 20 times.

7 Q Your testimony is that you avoid the front door in  
8 your entire time there?

9 A Not the entire time, no.

10 Q What do you mean by that?

11 A Well, the Ring was put in, in January. I remember  
12 asking to have access to it. That was my memory. And I  
13 mentioned it to my wife, and to members of our campaign team,  
14 and people became highly suspicious. I didn't go there. I  
15 just didn't. Mrs. Ellis seemed like a nice lady, so I just  
16 didn't think it. I knew that she and Moises Sanchez, who is  
17 one of my opponents in this race, I knew they were friends. So  
18 I started erring on the side of being cautious and just started  
19 going in the back door.

20 Q So these times that you testified that you are  
21 sleeping at the home, the entire time you are there on the  
22 property, you are avoiding that camera, correct?

23 A Not all the time, no.

24 Q Okay. Well, what I'm trying to get after is, you say  
25 not all the time. Are you saying that you do, on occasion,

1 walk past that camera while you're there?

2 A Occasionally, I will, yes.

3 Q Did you do that in the past month?

4 A Couple times, yes.

5 MR. WILENCHIK: All right. I have no further  
6 questions.

7 THE COURT: All right. Any questions for this  
8 witness?

9 MR. ARELLANO: Your Honor, might have to cover this  
10 with Mr. Wilenchik beforehand, but with the Court's indulgence,  
11 and at the interest of time, I'd like to do a combined direct  
12 and cross, since we were also planning on calling Mr. Robinson  
13 in our case-in-chief.

14 THE COURT: All right. Any objection to that, Mr.  
15 Wilenchik?

16 MR. WILENCHIK: No, that's fine.

17 THE COURT: Okay.

18 MR. ARELLANO: I'll limit my leading questions.  
19 First, I'll start with some general questions.

20 CROSS-EXAMINATION

21 BY MR. ARELLANO:

22 Q Good afternoon, Mr. Robinson.

23 A Good afternoon.

24 Q Mr. Robinson, let me begin, where do you live?

25 A At 4625 East Winston Drive.

1 Q And is that home in City Council District 6 for the  
2 City of Phoenix?

3 A Yes, it is.

4 Q And you're a candidate in District 6, correct?

5 A Yes, I am.

6 Q And how long have you lived at that address?

7 A Since September of last year.

8 Q Where does your wife live?

9 A At 7660 East Tuckey Lane, in Scottsdale.

10 Q And why does she live there?

11 A Couple reasons. We -- she is a physician at Mayo  
12 Clinic, and she has a response time when she is on call of 30  
13 minutes. It's a good location. She can get to the hospital,  
14 or out to the clinic in about 20, 25 minutes.

15 Q So she needs to live reasonably close to the Mayo  
16 Clinic?

17 A Yes, she does.

18 Q And I'm assuming -- would it be fair to say that that  
19 response time is not possible at the Winston Drive property?

20 A No, it would not be.

21 Q So she could not live at that property, because she  
22 could not, then, do her job; is that right?

23 A That is correct, yes.

24 Q Okay. I know you testified that you and your wife  
25 are married and not separated, but you do technically live

1 separately; is that correct?

2 A That's correct.

3 Q I think I heard testimony to some questions regarding  
4 your stepson Jordan; is that right?

5 A Yes.

6 Q And there was some question about whether -- or how  
7 often Jordan stayed at the Winston Drive property?

8 A Not Winston. I think he asked Tuckey Lane.

9 Q Oh, Tuckey Lane, excuse me, yes. How old is Jordan?

10 A Jordan is 26.

11 Q Okay. So he's not a child who has to deal with you  
12 at all times; fair to say?

13 A No.

14 Q Okay. Thank you. Mr. Robinson, which house do you  
15 spend most night at?

16 A At 4625 East Winston Drive.

17 Q Okay. And if I refer to that today as either the  
18 Winston Drive property or the Ahwatukee property, is that fair  
19 to say?

20 A Yes.

21 Q So the house is in Ahwatukee, correct?

22 A Yes.

23 Q Okay. And I think I heard you say earlier that you  
24 spent this past month of July, roughly, 16 to 20 nights out of  
25 the month?

1 A It was a whole lot, yes.

2 Q Okay, great. So is it fair to say you spend most of  
3 your nights at the Ahwatukee property?

4 A Yes.

5 Q Okay. And the Winston Drive home is furnished,  
6 correct?

7 A Yes, it is.

8 Q Okay. And you keep personal belongings there?

9 A Yes, I do.

10 Q Are you registered to vote there?

11 A Yes, I am.

12 Q Have you voted there?

13 A Yes, I have.

14 Q Which elections?

15 A I believe in the school board election earlier this  
16 year. And then in the most recent primaries.

17 Q And by most recent primaries, I take it you mean the  
18 statewide primaries that -- tomorrow.

19 A That we just -- yes.

20 Q Okay. And do you receive mail there?

21 A I do, yes.

22 Q Now, I'm going to walk you through, unfortunately,  
23 what are a large number of exhibits. But I'm hoping we can go  
24 through them relatively quickly. The first exhibit is marked  
25 Exhibit 1. If you'll take just a second here to look it over.

1 I'll represent to you that this is a warranty deed for a home  
2 you and your wife owned at 3102 North 53rd Street.

3 A Yes.

4 Q Does that sound familiar?

5 A Yes, it does.

6 Q Did you sell that home in October of 2020?

7 A Yes, we did.

8 Q Why?

9 A We were looking to downsize. That particular house  
10 was, I want to say, about 4,800 square feet. All three kids  
11 were out of the house. It was just my wife and I. And she had  
12 what we referred to as a COVID bug. She was on Zillow all the  
13 time, and she wanted to move.

14 Q All right. And so before selling that home in  
15 October 2020, did you live there?

16 A Yes.

17 Q And this home is in the district, right? In District  
18 6?

19 A Yes, it is.

20 Q And I understand that before selling the house, you  
21 had a pretty long history of both living and working in the  
22 district; is that correct?

23 A That's correct.

24 Q Can you tell me a little bit about that?

25 A Well, I moved into this house, I believe, in 2011,

1 when my wife and I got married. And it was her home. And she  
2 had lived there since, I want to say that -- since 20 -- 2006.  
3 We met on late 2009, I believe. We decided to get married, got  
4 married in 2011. And at the time, I had built a house back  
5 I -- I want to say it was 2006, out in Ahwatukee, in the 2700  
6 block -- or 2722 West Hiddenview Drive, which is -- major cross  
7 streets would be Pecos Road and 27th Drive, or -- yeah, Pecos  
8 and 27th Drive.

9 I built that house, and I lived in it. And when I  
10 met my wife -- or met Michele, I ended up -- decided to get  
11 married, that house is too far -- out too far, so we held onto  
12 it, but I moved into her home on 53rd Street.

13 Q And this is, I take it, when you sold the property in  
14 October of 2020?

15 A Yes.

16 Q Okay. And then, if I remember correctly, you then  
17 leased what is now the Ahwatukee property in September/October  
18 of 2021; is that correct?

19 A That's correct, yes.

20 Q Okay. And then, you previously were a member of the  
21 Phoenix Police Department, correct?

22 A Yes, I was.

23 Q Where was your first beat?

24 A My first assignment was out of what was -- what is  
25 referred to as the 700 precinct. It was a 712 beat, which was

1 40th -- 44th Street -- 40th Street East, to the city limits.  
2 Osborn, or Thomas Road, I can't remember which, north to  
3 Camelback mountain.

4 Q And --

5 A Sometimes they can drive a jog back-and-forth.

6 Q Is that area in what is now District 6?

7 A Yes, it is.

8 Q And so when did you begin that beat?

9 A That was in December of 1980.

10 Q You have, it's fair to say, decades of connections,  
11 both professional and personal to the district, correct?

12 A Yes.

13 Q Okay. Let's skip ahead to Exhibit 3, which is a copy  
14 of the lease for the Ahwatukee property. And there's a few  
15 items here I want to call your attention to, okay. We'll go  
16 through it together. First of all, let me ask, why did you  
17 lease this house as opposed to, say, not buying a place or  
18 renting, let's say, an apartment in the area?

19 A At the time, that's when everything was going crazy  
20 from a property sale standpoint. There was just -- prices were  
21 crazy, and there was not a lot of inventory. I have a very  
22 good friend who's been my realtor, who took care of my house on  
23 Hiddenview and ultimately sold it for me. I asked him for help  
24 in finding a rental. I said I'd prefer that it be furnished;  
25 if not, we can handle it from there. And he had two options,

1 and this was one of them.

2 Q Why did you want the property to be furnished?

3 A It was easier initially to figure it out exactly  
4 where my wife and I talked about buying us a different place  
5 inside of District 6, but it was easier just to be able to move  
6 in, be at home, do the things that I needed to do in furnished  
7 apartment -- or a furnished townhouse, condo, whatever it  
8 happened to be.

9 Q So then fair to say you would have purchased a  
10 property if you'd have found one in your price point?

11 A Well, with the prices as high as they were, we wanted  
12 to wait until the market settled down a little bit.

13 Q I want to start with the term here on line 10, if you  
14 can see that -- or excuse me, no -- line 20. And you'll see  
15 there, the term is from October 1, 2021 to September 30 of  
16 2022. Do you see that?

17 A Yes.

18 Q That's a one-year term, correct?

19 A Yes, it was.

20 Q Did you ever consider getting a month-to-month lease?

21 A No.

22 Q Okay. And why is that?

23 A Was in it for the haul -- long haul. I -- I wasn't  
24 planning on just a month to month. It wasn't temporary.

25 Q Okay.

1 A It was meant to be permanent.

2 Q Okay. And what did you intend to do at the end of  
3 the term of the lease?

4 A Well, what I was intending to do -- the most recent  
5 rent was due on the 1st of this month, and that's done  
6 electronically -- I was going to approach Mrs. Ellis for -- to  
7 renew the lease, and I was going to offer an additional  
8 security deposit if I could bring the dogs down there  
9 occasionally, which would then allow my wife to be down there a  
10 little bit more, and for us just to hang out down there when  
11 she wasn't on call or wasn't responding to issues at the  
12 hospital.

13 Q Is that still your intent?

14 A No, not now.

15 Q Why not?

16 A I'm a trusting person. I didn't think anyone was  
17 spying on me. I just didn't. Everyone around me, I'm being --  
18 getting a lot of I told you so's right now. And I just -- it's  
19 a little creepy, being watched like that. I don't intend to --  
20 I just -- I just wouldn't want to go through that again. So  
21 I'll honor the lease, and I'll start looking for another place.  
22 My wife and I have actually talked about whether or not we  
23 should buy something within District 6, or if I will lease  
24 again until we can find exactly what we want.

25 Q And when you're referring to the trust issues you

1 have now, are you referring to the fact that Ms. Ellis provided  
2 private information of your comings and goings to Mr. Sanchez  
3 in this case?

4 A Yes.

5 Q Have you read the complaint in this case?

6 A Have I read the complaint?

7 Q Yes.

8 A Yes, I have.

9 Q Do you remember that being filed on or around July  
10 25th of -- let's say about a week ago today?

11 A Yes.

12 Q Okay. Do you remember that complaint including  
13 allegations about your power usage?

14 A Yes.

15 Q Do you remember that complaint including allegations  
16 about the Ring footage at the property?

17 A Yes.

18 Q So I think it's fair to surmise that Ms. Ellis would  
19 have provided that to Mr. Sanchez before the case was filed,  
20 correct?

21 A I would assume so, yes.

22 Q Logically, that would be (indiscernible)?

23 A Yes. Logically, yes.

24 Q Okay. I want to turn next to line 45, 80, 30, I just  
25 want to go over some of the payment terms here. What is your

1 monthly rent here at the property?

2 A \$2,750.

3 Q And at the beginning, when you first lease the  
4 property, the fees are on line 59, you had to pay a \$2,000  
5 security deposit, correct?

6 A Correct.

7 Q And also a \$225 cleaning fee?

8 A Yes.

9 Q So if you look here at line 81, your initial payment  
10 when you first lease the property was nearly \$5,000, correct?

11 A Yes, it was.

12 Q Fair to say that's a substantial amount of money?

13 A Yes, it is.

14 Q Okay. I want to turn next to line 101, I see an  
15 excerpt that says no pets allowed. Do you see that?

16 A Yes.

17 Q Do you and your wife have dogs?

18 A Yes, we do.

19 Q Do those dogs stay at the Scottsdale address?

20 A Yes, they do.

21 Q Would you keep them at the Ahwatukee address if you  
22 could?

23 A If I could, yes.

24 Q And in fact, I think you said that was one of the  
25 things you had initially planned to negotiate over in extending

1 the lease, correct, to be able to have your dogs at the Winston  
2 property?

3 A Yes.

4 Q Okay. I want to turn next to line 115 regarding  
5 utilities. The tenant shall reimburse landlord for all  
6 utilities. Utilities will stay in landlord's name. Do you see  
7 that?

8 A Yes, I do.

9 Q Did you ever inquire about putting the utilities in  
10 your name?

11 A I did.

12 Q And what was the response?

13 A Ms. Ellis told me that if -- because of the  
14 association, where the house was located and such, it was  
15 easier to keep it in her name, and she would just let me know  
16 what the additional costs were each month, and I would pay  
17 that. And that was -- that was okay.

18 Q Okay. I want to turn lastly on this exhibit to line  
19 196 regarding tenant liability, renter's insurance. Just take  
20 a moment to read that to yourself.

21 A Yes.

22 Q Let's (indiscernible) -- oh, that's fuzzy now. Fair  
23 to say, the lease doesn't require you to obtain renter's  
24 insurance, correct?

25 A Correct.

1 Q Did you get a policy anyway?

2 A Yes, I did.

3 Q Why?

4 A I just thought it was the responsible thing to do. I  
5 was going to be there for the long haul, so.

6 Q And you had personal belongings there you wanted to  
7 insure; is that correct?

8 A It was that, and I wanted to make sure if I did  
9 anything to their property, it -- it would be covered.

10 Q Oh, that's right. Because the house was furnished  
11 with their furniture, correct?

12 A Yes.

13 Q Okay. Let's turn next to what's marked as Exhibit 4.  
14 I won't ask you to get into the particular dates here, I just  
15 want to ask kind of generally about the Ring log. I think you  
16 mentioned that the Ring system is stationary, correct?

17 A Yes, it is.

18 Q And it's at a single entrance point in the home?

19 A Yes, it is.

20 Q Is that the front entrance?

21 A Yes, it is.

22 Q So anyone ever offer you access to the Ring system?

23 A I believe -- the way I remember it, I did inquire as  
24 to how do I access it. And her husband, Eddie, I believe --  
25 yeah -- had installed it. And I don't know if it was going to

1 be he'll get with me, I just -- I -- I don't remember. I just  
2 know I asked initially.

3 Q But you never got access to the Ring system, correct?

4 A No, I did not.

5 Q Did that seem odd to you?

6 A You know, I was so busy with so many things, I didn't  
7 think about a whole lot. Obviously, in hindsight, I probably  
8 should have insisted.

9 Q And we'll get into the specifics of this a little bit  
10 later, but I did want to ask, how do you enter the home  
11 typically?

12 A Typically, through the back door.

13 Q And would the Ring system capture that entrance?

14 A No, it would not.

15 Q Were you avoiding the Ring system?

16 A Yes, I was.

17 Q Why?

18 A As I announced, the campaign went on. And after the  
19 first quarter of -- and information was filed, I became the  
20 presumptive frontrunner. And that continued on through the  
21 second quarter. And my campaign team and folks that I talked  
22 to, and my wife, were just -- thought that I needed to be  
23 cautious of -- very much aware of that Ring, that I didn't have  
24 access to it, and maybe something could be -- you know,  
25 something could come out of it. I just didn't think that.

1 I -- I just didn't.

2 Q So is it fair to say you had some privacy concerns  
3 with the Ring system?

4 A I -- I did. I started having significant privacy  
5 concerns.

6 Q Do those concerns feel validated now as a result of  
7 this case?

8 A Yeah. In hindsight, yes, they are.

9 Q I want to turn just briefly to Exhibit 5, which is --  
10 top page here, SRP invoices. I want to point your attention  
11 here to where it says this month's charges, and (indiscernible)  
12 97.16, right?

13 A Yes.

14 Q Does that seem like a high or low amount to you?

15 A I really had nothing to compare it to. I -- for one  
16 person -- and I'll -- now, I might say it's high.

17 Q Okay. Do you know what a typical power bill looks  
18 like at the Scottsdale residence?

19 A I do not.

20 Q Why not?

21 A I wasn't responsible for it. I mean, I was going to  
22 pay the -- whatever I owed. Mrs. Ellis was responsible for it,  
23 the owner.

24 Q Sorry, let me ask that again. I'm asking about  
25 the -- if you know what a typical power bill looks like at the

1 Scottsdale residence.

2 A Oh, I'm sorry.

3 Q Sure.

4 A That is -- we pay that electronically, it comes on --  
5 online. So I've seen it -- I -- I know what it looks like,  
6 yes.

7 Q Do you know who typically pays that bill?

8 A It comes directly out of our -- it's an automatic pay  
9 right out of the joint checking account for that house.

10 Q Oh. Do you know what you typically keep the  
11 thermostat at at the Ahwatukee property?

12 A No. It too is a Nest -- it's a Nest device, and it  
13 will fluctuate depending on -- when the rooms start to get  
14 warm, it turns on. It'll turn it down lower sometimes at  
15 night, it just depends.

16 Q And is the house generally comfortable?

17 A Yes, it is.

18 Q Okay. I want to turn next to Exhibit 6, which is a  
19 video. We can play that. And if we can hit play, it's --  
20 okay, it's up there.

21 (Video played at 2:16 p.m., ending at 2:17 p.m.)

22 BY MR. ARELLANO:

23 Q What did we just see there?

24 A A car pull away.

25 Q Yes.



1           A     Yes. It went kind of fast, but I believe it's the  
2 section where I got into a car, and we pulled away.

3           Q     Okay. Let me actually back up a little bit. If you  
4 look at the date there on the bottom left, does that say July  
5 22nd?

6           A     Yes, it does.

7           Q     And this says 18:42, so is that about 6:42 p.m. in  
8 the evening?

9           A     Yes, it is.

10          Q     Okay. Was that you in the video?

11          A     Yes, it was.

12          Q     Okay. Can you tell me what was going on?

13          A     My wife was out of town, she was at a medicom  
14 (phonetic) conference in Chicago. So I -- I would come by and  
15 take care of the dogs. So it's Friday evening. I came over --  
16 I had a campaign event earlier -- I came over to the house  
17 probably around 4:30 or so, I believe. I was just taking care  
18 of the dogs, feeding them, water, and just taking care of them.  
19 And our neighbors knew that I would be there -- they knew my  
20 wife was out of town, that I would be there taking care of the  
21 dogs, texted me and asked if I wanted to go out to dinner.

22          Q     Okay. And then did you return back to the Scottsdale  
23 home after dinner?

24          A     I did.

25               MR. ARELLANO: Can we keep playing that, please?

1 Hold on, just want to show this again.

2 BY MR. ARELLANO:

3 Q This is a time lapse, correct?

4 A Yes, it is.

5 (Video played at 2:18 p.m., ending at 2:19 p.m.)

6 BY MR. ARELLANO:

7 Q Is that you returning home -- or returning to the  
8 Scottsdale property?

9 A Yes.

10 Q Okay. Let's keep going. And there -- what is that?  
11 Did you see a vehicle there leaving the garage at the  
12 Scottsdale home?

13 A Yes. Yeah.

14 Q Was that you leaving?

15 A Yes, it was.

16 Q Were you leaving back to the Ahwatukee property?

17 A Yes, I was.

18 Q Did you spend the night at the Ahwatukee property?

19 A Yes, I did.

20 Q Okay. And again, if I remember correctly, you were  
21 watching the dogs at the Scottsdale house, right?

22 A Correct, yes.

23 Q You would have taken them with you to the Ahwatukee  
24 property if you were allowed to under the lease?

25 A Yes, I would have.

1 MR. ARELLANO: If I could use the ELMO again, please?

2 BY MR. ARELLANO:

3 Q I'm going to flip to Exhibit 2 quickly. This is your  
4 candidate notice of candidacy. Familiar with this document?

5 A Yes, I am.

6 Q It asks -- you put a mailing address there, 4802 East  
7 Ray Road. That's a UPS Mailbox, is it not?

8 A Yes, it is.

9 Q Okay. Why did you put a UPS Mailbox there?

10 A Because it was going to be a public record, and it's  
11 the mailing address for the campaign itself.

12 Q And it asks for your mailing address; is that right?

13 A That's correct.

14 Q It did not ask for your residence address?

15 A No, it does not.

16 Q When you were asked for your residence address on  
17 candidate paperwork, what address would you put?

18 A The Ahwatukee address.

19 Q Let me just briefly -- not to belabor the point, but  
20 just want to show you -- marked as Exhibit 9, this is your  
21 nomination petition. Look familiar?

22 A Yes, it does.

23 Q Might be a little hard to see, but I'll represent to  
24 you that it says here Kevin Robinson, who resides at 4625 East  
25 Winston Drive, correct?

1 A Correct.

2 Q Did you or your campaign put that address there?

3 A Yes, we did.

4 Q Okay. I want to turn next to Exhibit 10. Upon  
5 receipt of your nomination paperwork -- first of all, what's  
6 the date on the document?

7 A The timestamp on it is July 7th.

8 Q So you submitted your nomination paperwork, and  
9 nomination petition on July 7th; is that right?

10 A Yes, I did.

11 Q All right. And does this ask for a residence  
12 address?

13 A Yes, it does.

14 Q And you put the Ahwatukee property address there,  
15 correct?

16 A Yes, I did.

17 Q I'm going to briefly show you Exhibit 11. I believe  
18 this is a text message with Ms. Ellis, correct?

19 A Yes, it is.

20 Q And in this text message exchange, is Ms. Ellis  
21 adding your utility charges to your rent?

22 A Yes, she is.

23 Q Okay. So just to highlight the point that you did  
24 not the utilities in your name but that's because they were  
25 just simply being added to the rent, right?

1 A That's correct. Yes.

2 Q Okay. So we covered this briefly with Mr. Wilenchik,  
3 this I believe Exhibit 12, it is a copy of your renter's  
4 insurance policy. Mr. Wilenchik pointed out that the insureds  
5 are listed as you and your wife here. And it's listed at the  
6 7600 Tuckey Lane address?

7 A Yes, it is.

8 Q But the property, as you mentioned is -- that's  
9 insured is the Ahwatukee property, right?

10 A That's correct. Yes.

11 Q Why is the -- does the Scottsdale address show up  
12 here for you and Ms. Halyard?

13 A I took out the rental -- renter's insurance through  
14 my -- my Farmers agent where we have an umbrella age -- an  
15 umbrella policy, house insurance, car insurance, we have  
16 everything there.

17 Q So this -- okay.

18 A And it's just --

19 Q Policy has a number of policies under it?

20 A Correct.

21 Q Had to take that address, correct?

22 A Yes.

23 Q Okay. I want to turn next to what's been marked as  
24 Exhibit 13. I believe you testified earlier that you are  
25 registered to vote at the Ahwatukee property, correct?

1 A Yes.

2 Q So the first page here, if you'll take a moment just  
3 to familiarize yourself with it. Then I'll turn to the second  
4 page of it, which is your voter ID card. Was this issued March  
5 2nd, 2022? You see that there?

6 A Yes, it is.

7 Q And it says your address is protected?

8 A Yes, it is.

9 Q Why is that?

10 A 36 and a half years in law enforcement, I had the  
11 opportunity over the years to be involved in -- at times in  
12 some sensitive investigations. And I have had the -- the  
13 ability to redact my -- or to protect my information. So I've  
14 always taken advantage of it, even in retirement.

15 Q Okay. And the first page of the exhibit that we  
16 looked at does have your Ahwatukee address on it. Was this --  
17 is this first page the mailing page that came with your voter  
18 ID card?

19 A Yes, it did. Yes, it was.

20 Q Okay. Next, I want to show you, marked as Exhibit  
21 2 -- excuse me, Exhibit 14. Is this a copy of your records  
22 with the Motor Vehicle Division?

23 A Yes, it is.

24 Q Department of Transportation?

25 A Yes.



1 Q I'm going to turn to the second page. Shows here  
2 your address is 4625 East Winston Drive?

3 A Yes, it is.

4 Q Okay. And that was as of July 27th, correct?

5 A That's when I had -- I had requested (indiscernible).

6 Q Sure, that's because -- that's when you generate the  
7 record, correct? Do you remember when you updated your MVD  
8 record to the Ahwatukee property?

9 A It was shortly after moving into the Ahwatukee  
10 property.

11 Q So all of last year?

12 A Yes.

13 Q Okay. I'll show you next what's marked as Exhibit  
14 15. Is this a check for your personal checking account?

15 A Yes, it is.

16 Q Does it list the Winston Drive, Ahwatukee address?

17 A Yes, it does.

18 Q So your -- you use your Ahwatukee address for your  
19 personal banking, correct?

20 A Yes, I do.

21 Q You said you receive mail at the property?

22 A Yes, I do.

23 Q We're going to go through a few exhibits about that.  
24 First of all -- first is Exhibit 16.

25 A Yes.

1 Q What is this?

2 A The Arizona Informant newspaper.

3 Q And if I can show here on the ELMO. That comes to  
4 you at the Ahwatukee property, right?

5 A Yes, it does.

6 Q Address here at the bottom left. How often is that  
7 delivered there, weekly? I'll turn next to Exhibit 17. I  
8 believe this is a letter from the Arizona Justice Project?

9 A Yes.

10 Q Is that addressed to you at the Ahwatukee property?

11 A Yes, it is.

12 Q And this is from Lindsey Hearf (phonetic), correct?

13 A Yes.

14 Q At the justice project, is that someone you know  
15 personally?

16 A Yes, I do know her personally.

17 Q Okay. Turn next to Exhibit 18. I believe it's two  
18 pieces of mail. The first at the top here, is this a shoe  
19 catalog?

20 A Yes, it is. Johnston Murphy.

21 Q And that's addressed to you at 4625?

22 A Yes.

23 Q And the second is a letter. We can't see the  
24 entirety of it, but can you let me know what this letter is?  
25 Ring a bell?

1           A       I'm trying to remember -- oh, I -- it -- you know, I  
2 don't remember exactly. I was going to say, it could have been  
3 the letter from Lindsey Hearf, but I -- I don't remember.

4           Q       Okay. But it's a piece of mail?

5           A       Yes.

6           Q       Like clearly addressed to you at the Winston Drive  
7 property, correct?

8           A       Yes.

9           Q       Okay. And next Exhibit 19. Appears to be another  
10 periodical addressed to you at the Winston Drive property?

11          A       Yes.

12          Q       Do you recognize what periodical this is?

13          A       Yes. It's the Phoenix Business Journal.

14          Q       And how often do you receive that?

15          A       Every week.

16          Q       Okay. Going to Exhibit 20, it appears to be a USPS  
17 package, addressed to you also at the Winston Drive property;  
18 is that right?

19          A       Yes.

20          Q       It's a personal package?

21          A       It was yes.

22          Q       Okay. So you receive packages at the address as  
23 well?

24          A       Yes, I do.

25          Q       Okay. And next to -- I'm just going to go a little

1 bit out of order here. The next two exhibits I want to go  
2 through, is to go through the layout of the house, and how you  
3 enter it? How big is the house? When I say the house, I mean  
4 the Ahwatukee property.

5 A The Ahwatukee property, it's three bedrooms, two  
6 baths, 1,800 square feet, maybe? I -- I don't remember. It's  
7 not very big.

8 Q Okay. But three bedrooms, it's decently sized?

9 A Yeah. It -- it's a nice place.

10 Q Okay. And you said you enter through -- typically,  
11 through the back entrance; is that right?

12 A Yes.

13 Q Okay. So I wanted to start with Exhibit 22. Is this  
14 the front entrance to the property?

15 A Yes.

16 Q Does this gate here -- this little path past the gate  
17 lead to something?

18 A Yes, it does. It goes, and then once it gets to the  
19 building you turn to the right, and then you turn to the left,  
20 and right in front of you, a few feet in, will be the front  
21 door.

22 Q Okay. So this curves around to the right, and then  
23 around here is where the actual entrance of the house is, the  
24 door?

25 A Yeah, going the other way, but yes.

1 Q Oh, going the other way, sorry. Okay. And that's  
2 where -- is that where the Ring system is located?

3 A Yes, it is.

4 Q Okay. I'll turn next to Exhibit 23. Is this that  
5 door we were talking about that that pathway leads to?

6 A Yes.

7 Q Okay. And is this the Ring system here we see on the  
8 left?

9 A Yes, it is.

10 Q Okay. It's a pretty enclosed space isn't it?

11 A It is.

12 Q Okay. You would have to like go through this space,  
13 is that fair to say, for the Ring system to log that activity?

14 A Yes.

15 Q Okay. I'm going to turn next to Exhibit 24. Is this  
16 the garage?

17 A Yes.

18 Q Where does this door here on the garage lead to?

19 A Right toward the front door. Once you open that  
20 door, you're looking toward the front door.

21 Q And just to flip through the exhibit here again, if  
22 you'll bear with me. It's this Exhibit 23. So this is the  
23 front door that this garage door leads?

24 A Yes. Yes.

25 Q Okay. So the garage or the (indiscernible) is

1 somewhere like around here?

2 A That's directly.

3 Q Oh, directly.

4 A I'm looking from the garage door, looking right at  
5 it.

6 Q So this picture you're taking it from that garage  
7 entrance?

8 A Yes.

9 Q I see. Okay. So if you were to go through -- enter  
10 through the house -- through this garage door, then the Ring  
11 system would track your entry, correct?

12 A Correct.

13 Q But not if you go around it?

14 A Correct.

15 Q I'm going to turn to -- actually I want to play a  
16 video if we could, which I think it's Exhibit 1-1 (phonetic).  
17 (Indiscernible). Before I play it, let me just ask you, do you  
18 remember recording this video?

19 A Yes, I did.

20 Q When did you record it?

21 A After we were made aware of the complaint or lawsuit  
22 against me, saying that I never went to the house.

23 Q Okay. And what does the video show?

24 A Me pulling into the garage. And then I just take the  
25 normal path that I would take to enter the house.

1 Q Okay. So let's hit play, if we could. You're trying  
2 to say this is how you typically enter the home; is that right?

3 (Video played at 2:30 p.m., ending at 2:31 p.m.)

4 A Yes, it is.

5 BY MR. ARELLANO:

6 Q Okay. You pull up here at the garage, that's the  
7 door that we talked about earlier that leads to the front  
8 entrance, correct?

9 A Correct.

10 Q Correct. Okay. Let's keep going. Let's pause  
11 there. Do you know your neighbors at the Ahwatukee property?

12 A I've met a few of them.

13 Q One of the homes I think we just saw here, do you  
14 know the neighbors there personally?

15 A The one right there, direct across from me, I've met  
16 the gentlemen. He's a lawyer. We have some friends in common,  
17 retired police officers who do work for him, and such. So  
18 we've talked a few times. I do not remember his name.

19 Q Okay. If we could back up just a second. That  
20 property there, next door, do you know the neighbor there?

21 A Yes, that's directly -- as you're facing the house,  
22 directly to the right. Or better yet, I'd describe it as to  
23 the northwest of the Winston address.

24 Q And who are those neighbors?

25 A Carrie (phonetic) and Dave (phonetic).

1 MR. WILENCHIK: I'll object to foundation.

2 MR. ARELLANO: Your Honor, I'm speaking to his  
3 personal knowledge about who his neighbors are.

4 THE COURT: Overruled.

5 MR. WILENCHIK: Fair enough.

6 BY MR. ARELLANO:

7 Q Sorry, Carrie and Dave you said?

8 A I -- I believe so, yes. Carrie and Dave.

9 Q And do you know what Carrie and Dave do for a living?

10 A I -- I don't know what they do. We've -- I've spoken  
11 to him more than I've spoken to her. And we just talk about  
12 several things. We've said when my wife is out there, we'd  
13 have wine with them on their porch.

14 MR. WILENCHIK: That's hearsay.

15 MR. ARELLANO: Your Honor, he's testifying to what  
16 he's told them.

17 THE COURT: Well, what he tells them -- what he is  
18 offering, it is hearsay. So I'm going to sustain that  
19 objection. We're also getting into a narrative. Why don't you  
20 ask your next question.

21 MR. ARELLANO: Sorry. Okay, Your Honor. Let's keep  
22 playing the video, if we could.

23 (Video played at 2:32 p.m., ending at 2:33 p.m.)

24 BY MR. ARELLANO:

25 Q So what does this show here?

1 A I'm just showing the front gate. And I always check  
2 it just to make sure it's shut, and nothing wrong with it.

3 Q And so if this how you go around to enter the  
4 property typically?

5 A Yes, it is.

6 Q You go past this gate here?

7 A Yes, I do.

8 Q What do we see there?

9 A That's the door, sliding glass door into the master  
10 bedroom.

11 Q But that's not typical where you enter through?

12 A No, it's not. No.

13 Q Okay. Let's keep playing. And what's this entrance  
14 here we see?

15 A This is the French door, double door, leading into a  
16 little seating area, sort of adjacent to the kitchen, so.

17 Q And is that where you typically enter through?

18 A Yes, it is.

19 Q Okay. Let's keep playing. Here, I think you're just  
20 showing us the yard. Do you typically exit through that  
21 entrance as well?

22 A Yes, I will.

23 Q Fair to say it's a pretty roundabout way to go in and  
24 out of the house, right?

25 A Yes, it is.

1 Q But also, I think you testified to earlier that's  
2 because of your privacy concerns, given the Ring system?

3 A Yes, it was.

4 Q Privacy concerns that I think are -- fair to say are  
5 quite validated with this case, correct?

6 A Yes, it is.

7 Q Okay. I'm going to turn next to the interior of the  
8 home. We'll begin here with what's marked Exhibit 25 --

9 MR. ARELLANO: On the ELMO, if I could, please?

10 Thank you.

11 BY MR. ARELLANO:

12 Q Does this show the living room to the home?

13 A Yes, it does.

14 Q Okay. Mr. Robinson, are you generally a pretty clean  
15 person?

16 A Yes, I am.

17 Q Okay. So we would not expect to see a dirty carpet,  
18 would we?

19 A No.

20 Q Okay. What do we see here on the coffee table?

21 A There are textbooks. I'm -- I've been preparing most  
22 of this summer for this upcoming semester. So I revamp my  
23 syllabi. I look for, you know, new work for my students. I  
24 just update all the information. So those textbooks are there.  
25 And there's my glass case. There's a remote control. My

1 laptop, and the remote control to the -- to the garage because  
2 I get out with it, to go around, shut the garage, and come  
3 around. And I always -- you know, it's just me at the place so  
4 I just leave everything in the same place.

5 Q So it looks -- sounds like you work from the property  
6 in the evening?

7 A Yes, I do.

8 Q Okay. What do we see here on the two end tables by  
9 the sofa?

10 A Those are pictures.

11 Q All right. So I'm going to turn next to Exhibit 27,  
12 I believe this is one the photographs on the end table; is that  
13 right?

14 A Yes, it is.

15 Q Who's pictured there?

16 A It's our family. My wife is to the right of the  
17 picture. Jordan (phonetic), who's the youngest. To my -- to  
18 the left is Cristina (phonetic), and then James (phonetic).

19 Q Next exhibit? And this was another photo here, I  
20 believe is Exhibit 26. This is the other end table; is that  
21 right?

22 A Yes.

23 Q These also are pictures of your family?

24 A Yes.

25 Q I'm going to turn next to Exhibit 28. Refrigerator

1 at the Ahwatukee property?

2 A Yes.

3 Q Great. Do you cook very often, generally?

4 A No.

5 Q Why not?

6 A I just don't there.

7 Q Do you most -- eat most of your foods in the evening  
8 by takeout?

9 A If I eat there, for -- yes, I do. I buy takeout.

10 Q Where do you get takeout from usually? When you're  
11 there?

12 A There's a couple of places that I -- I'll frequent.  
13 There will be a -- there's a burrito place at Elliot and 48th  
14 Street. Or I'll go down to Ray Road, and 48th Street to the  
15 Pita Jungle. There's Nello's Pizza, I believe it's at  
16 Warren -- Warner and 48th Street. So it just depends.

17 Q Sounds like you know the dining options in the area  
18 pretty well?

19 A Yes, I do.

20 Q And you do have some perishable items, right? You  
21 have some milk there, I see?

22 A Yes.

23 Q Okay. And turning next here to Exhibit 29. Some of  
24 these boxes are open, correct?

25 A Yes.

1 Q Because sometimes you stay over at the property when  
2 you're there for the evening meal, right?

3 A Yes. Yes.

4 Q Okay. I want to turn next to Exhibit 30. Is this in  
5 your bedroom?

6 A Yes, it is.

7 Q What are we looking at here?

8 A That's my CPAP machine.

9 Q And do you need that to sleep?

10 A If I want to sleep, yes. I do need it to sleep.

11 Q All right. And so does it usually stay at the  
12 Ahwatukee property?

13 A Yes.

14 Q Okay. I'm going to turn next to Exhibit 31. Is this  
15 your closet in the Ahwatukee property?

16 A Yes, it is.

17 Q Quite a bit of clothes, no?

18 A It -- there -- there's a lot of clothes there, yes.

19 Q Is most of that your clothes?

20 A Almost all of it, yes.

21 Q Is that clothes you wear pretty regularly?

22 A Yes.

23 Q Turning next to Exhibit 32. Is that the other end of  
24 the closet; is that right?

25 A The other side, yes.

1 Q So there's the other side of the closet, you have  
2 even more clothes. And I believe you said some of that was  
3 your wife's?

4 A On the other side, she has longer dresses in there.

5 Q Okay. And lastly, I want to turn to Exhibit 33,  
6 which I believe we looked at earlier. Are these all your  
7 toiletries?

8 A Yes.

9 Q And you use those whenever you're at the Ahwatukee  
10 property?

11 A Yes.

12 Q Okay. That's all I have for exhibits. Now, the  
13 photos that we've seen of the exterior and interior of the  
14 Ahwatukee property, those are all photos and videos that you  
15 took, correct?

16 A Yes.

17 Q Did you stage any of the belongings on the property  
18 for this litigation?

19 A No, I did not.

20 Q Those are all items that were there before we  
21 actually had recorded them, correct?

22 A Yes.

23 Q Okay. You also testified, I believe, that you and  
24 your wife filed your 2021 tax return using the Scottsdale  
25 address; is that right?

1 A Yes.

2 Q Why did you use the Scottsdale address on that tax  
3 return?

4 A I believe it's just what our accountant had. I  
5 mean -- and I hadn't been in the Winston Drive very long. So  
6 my wife makes more money than I do, and you know, that's her  
7 primary address. So I think it was all those reasons.

8 Q Sure. So you had to pick either the Winston Drive  
9 address or the Scottsdale address, right?

10 A Yes.

11 Q Just to wrap up, you currently live in District 6,  
12 correct?

13 A I do, yes.

14 Q Okay. Do you intend to find another place in the  
15 district once this lease runs out?

16 A Yes, I do.

17 Q So is it fair to say that you intend to remain in the  
18 district?

19 A Yes, I do.

20 MR. ARELLANO: I have no further questions. Thank  
21 you, Mr. Robinson.

22 THE COURT: Okay. Mr. Wilenchik.

23 REDIRECT EXAMINATION

24 BY MR. WILENCHIK:

25 Q Robinson, I'll follow up on that last question. You

1 were asked if you intend to move to another home in the  
2 district, and your answer was yes.

3 A Yes.

4 Q So this is not a permanent home, correct?

5 A It -- it was meant to be long term. But under the  
6 circumstances, no, it's not going to be.

7 Q So where is your permanent home?

8 A 4625 East Winston Drive.

9 Q Sir, you just told me that's not your permanent home?

10 A It currently is. It was meant to be long term, but  
11 it's not going to be now.

12 Q So that answer is a no, correct?

13 A I beg your pardon?

14 Q So that answer is a no, correct.

15 A I don't look at it that way. You asked me what is my  
16 address. My address right now is 4625 East Winston Drive.

17 Q To be clearer, sir, my question was, where is your  
18 permanent home?

19 A Currently, 4625 East Winston Drive.

20 Q When you say "currently", that's the opposite of  
21 permanent. So the question is, where is your permanent home?

22 A At 4625 East Winston Drive.

23 Q So if you do not win the race for District 6 City of  
24 Phoenix Council, where are you going to live?

25 A I intend to run -- win the race, so I will continue

1 to live in District 6.

2 Q Not that clear that was a direct answer. The  
3 question was, if you do not win the race, where will you live?

4 A Sir, I haven't contemplated not winning.

5 Q I'm going to ask you to contemplate not winning?

6 A I had not contemplated not winning. So if you want  
7 me to, it's not something I had considered. My wife and I are  
8 currently looking for possibly a location to buy or to long-  
9 term rent in District 6.

10 Q You testified earlier that your wife works at the --  
11 Mayo's (sic) facility, correct?

12 A Mayo Clinic, yes.

13 Q And that it's important for her to be within a  
14 certain distance of the clinic, right?

15 A That's correct.

16 Q So if you were to move -- well, I believe you also  
17 testified that that's the reason why she's not living in the  
18 Winston address?

19 A That's correct.

20 Q So if you were to move to a permanent home in  
21 District 6, wouldn't that create a problem for your wife?

22 A No, it would not. Our house prior to this one was at  
23 3102 North 53rd Street in District 6, in the Arcadia Osborn  
24 neighborhood, and she was able to meet her response times from  
25 there quite easily. And she had lived there since, I believe,

1 2006, 2005, somewhere in that area.

2 Q So if that's true, isn't it also true that she can  
3 meet her response times from the Winston address?

4 A No, you cannot do that.

5 Q Why is that?

6 A It's too far away. It's another 10, 15 miles.

7 Q Who's your campaign manager?

8 A My campaign manager?

9 Q Yes.

10 A He's -- he actually just started today.

11 Q Prior to today, did you have another campaign  
12 manager?

13 A I had -- I have a campaign coordinator, did not have  
14 a campaign coordinator -- a campaign manager. I did have a  
15 consultant that I was paying to help with the campaign, yes.

16 Q Okay. Did you ever -- well, what's that person's  
17 name?

18 A His name is Kevin Kirchmeier.

19 Q Did you ever have discussions with Mr. Kirchmeier  
20 about renting this address on Winston?

21 A No. I did that beforehand. I rented before I had a  
22 discussion with him about it.

23 Q Did you have discussions with any campaign staff or  
24 other volunteers about why you were renting this address in  
25 Winston?

1           A     No conversations with -- no. It was something that I  
2 knew I wanted to do once I decided to run for office, that I  
3 needed to have a permanent address, a long-term address, in  
4 District 6. So I went ahead and did that, then moved forward  
5 with everything else.

6           Q     You did live in District 6 several years ago,  
7 correct?

8           A     Couple years ago, yes.

9           Q     And I apologize, having missed this before, but what  
10 did you testify was the reason you left District 6?

11          A     My wife just decided that, you know -- well, we  
12 decided, it was a joint thing, but my wife was the driving  
13 factor in it, wanted to downsize. The house we had on 53rd  
14 Street was 4,800 square feet, I believe, it was a large house.  
15 All the kids were out of it. We just decided to downsize, the  
16 price of houses were -- were right for the time, and we just  
17 did that.

18          Q     How large is your home in Scottsdale?

19          A     Considerably smaller than what we had. I think we're  
20 at 2,200 square feet.

21          Q     How large is this home on Winston?

22          A     I believe it's around 1,800 square feet.

23          Q     Earlier when I was examining you, I believe I had  
24 asked you the question, how many days have you slept at this  
25 home in the prior month. And your answer was about 20 days.

1 Did I get that right?

2 A I would -- at least 15, maybe as many as 20.

3 Q The remaining days, you're sleeping at the home in  
4 Scottsdale, right?

5 A I may stay over there, yes.

6 Q You said 15, maybe 20. If it were 15, it's about  
7 half and half. You think that's about right?

8 A Well, you asked for the month of July. So it was  
9 about 15 days -- 15 to 20 days in July.

10 Q Well, you know, if we approximate 30 days, around 50  
11 percent of the time, you were at the home in Winston; 50  
12 percent of the time, you're sleeping at the home in Scottsdale?

13 A I believe it's more than 50 percent of the time.

14 Q But close to that?

15 A I beg your pardon?

16 Q But close to that?

17 A Better than 50 percent -- greater than 50.

18 Q Earlier you testified, that one particular weekend we  
19 happen to have video for, the other times you're sleeping at  
20 the Scottsdale home. Why are you sleeping there?

21 A For that particular weekend, my wife was out of town,  
22 and I was going by the check on the dogs, take care of the  
23 dogs. That's why I'm there. And other nights, my wife and I  
24 may go out, may have an event. A few weeks before that, I  
25 think it was a Saturday night, she had an event at Mayo where

1 she was involved in something, so I went with her to that. Got  
2 back late, it's just easier to stay in Scottsdale.

3 Q So is there any set pattern to the days you're  
4 spending sleeping at one home as opposed to the other?

5 A No.

6 Q Is it fair to say that based on that testimony, the  
7 nights that you're sleeping at Scottsdale are to be with your  
8 spouse?

9 A Yes. When -- if she's not out of town, if I'm not  
10 there taking care of the dogs.

11 Q I believe earlier, you testified -- when your  
12 attorney was examining you about wanting to put the utilities  
13 for the Winston house in your name. Did I understand that  
14 correctly?

15 A I inquired about it when we decided that I would rent  
16 the place. And I was talking to Ms. Ellis, and she just  
17 explained that it was easier to keep it where it was because of  
18 the association. There were things -- it was so -- you know,  
19 that were connected to it. She said it was just easier, and I  
20 was fine with that.

21 Q Why were you asking to do that?

22 A I was -- I was responsible for it. If I was renting  
23 a place and utilities usually comes with it and such.

24 Q Earlier you testified that you obtained homeowner's  
25 insurance because you wanted to be in this for the long haul;

1 did I get that right?

2 A Oh, yes. I -- those were my plans.

3 Q It was a one-year policy ending in November 2022,  
4 correct?

5 A One year -- I believe it's in -- first of October,  
6 late September, it ends (indiscernible).

7 MR. WILENCHIK: You want to pull up 12, Exhibit 12.

8 BY MR. WILENCHIK:

9 Q Do you see where it says the whole date there?

10 A Yes. I do. November 10th, 2022.

11 Q Thank you. I had asked you before about your son-in-  
12 law, Jordan (phonetic), staying at the home.

13 A My stepson.

14 Q I'm sorry. Your stepson. You have other  
15 stepchildren?

16 A Yes. I do.

17 Q They also stay in the home in Scottsdale?

18 A No. They have not, unless -- James (phonetic) has  
19 stayed there, he's the oldest, when we have been out of town  
20 to -- to watch the dogs for us. I know he has stayed the night  
21 a couple nights, he and his fiancé, but the others, James and  
22 Christina (phonetic), have not really stayed there, no.

23 Q Is Jordan the only one to stay there for an extended  
24 period of time?

25 A He was there when -- fresh out of college, getting a

1 job, waiting for his roommates to -- him to figure out his  
2 little roommate arrangement with his friends, he stayed with us  
3 for a while.

4 Q Is he currently -- does he have a stable place to  
5 live?

6 A Yes. He does.

7 Q If he were to lose his place to live, would you  
8 expect him to come back and live at the Scottsdale address?

9 A He could. Any one of the kids would be welcome home.

10 Q Let me just go over my notes quickly. Now, we've  
11 heard a lot of testimony about this Ring camera. Earlier, you  
12 testified that you decided to avoid the Ring camera as you talk  
13 to certain people. Who are those people?

14 A My wife and members of the campaign team.

15 Q Members of the campaign team. Who of the campaign  
16 team did you talk to?

17 A Kevin Kirchmeier. Jack Keeney. And just  
18 different -- you know, my wife. I spoke with her. And Jack --  
19 Jack and Kevin are part of the campaign team. So it was just  
20 discussions that we had.

21 Q I'm sorry if I was unclear earlier. I was asking you  
22 for any conversations you had about this home with Mr.  
23 Kirchmeier. So you're testifying you did have a discussion  
24 with Mr. Kirchmeier about the Ring camera at this home,  
25 correct?

1 A After the fact, yes.

2 Q You say after the fact. What fact are you referring  
3 to?

4 A After the Ring was in, I raised the issue, had a  
5 discussion and said, they put a Ring camera in; I don't have  
6 access to it. And others just thought that was strange, my  
7 wife and members of the campaign team.

8 Q What context were you talking to Mr. Kirchmeier about  
9 this?

10 A Just -- just that. I said my landlord put a Ring  
11 device in. And they would come over. We would work out of  
12 that location a lot of times, so it was during those times.

13 Q And you're saying we would work at a location.  
14 You're referring to the campaign team, right?

15 A Campaign team would come over to my residence on  
16 Winston Drive, and we would work there sometimes, make phone  
17 calls, do different things like that, yes.

18 Q Okay. So you were using it for business, so to  
19 speak, the business of running for office?

20 A We would just meet there. We have another office  
21 that we actually lease that we'd do real campaign work out of  
22 and such.

23 Q So when you took a campaign team there, did you take  
24 that entire team all the way around the back like you showed us  
25 in that video?

1 A No.

2 Q How'd you take them through?

3 A Went through the front door.

4 Q It surprise you if nobody's ever seen that video?

5 A I beg your pardon?

6 Q Would it surprise you if nobody's ever seen a video  
7 of you and your campaign team going through the front door?

8 A I don't know how to answer. I don't know why they  
9 wouldn't have seen it, or if it wasn't in at that time. I  
10 don't know.

11 Q Around what date did this happen?

12 A I -- I really couldn't tell you.

13 Q Did it have --

14 A Throughout --

15 Q Go ahead.

16 A I was going to say, I know we met there sometimes in  
17 2021, the latter part of 2021, and in 2022.

18 Q What part of 2022 were you meeting with your campaign  
19 team and going through the front door?

20 A First half of it.

21 Q Was it more than one meeting?

22 A Yes.

23 Q Approximately how many?

24 A Collectively, we probably met there about four or  
25 five times.

1 Q When you had this discussion with Mr. Kirchmeier, you  
2 had testified was a political consultant, about the Ring  
3 camera, what was that conversation?

4 A Just that. That I -- the landlord put a Ring camera  
5 in. And I had discussed it with my wife; I had told her about  
6 it. And to them, it just seemed funny.

7 Q Now, is there any more specific than that. Did Mr.  
8 Kirchmeier give you any advice?

9 A No advice. Just thought it was funny.

10 Q He didn't advise you to avoid the camera?

11 A No.

12 Q That was just your idea?

13 A That was me, further in. I didn't do it immediately.

14 Q Did you discuss with Mr. Kirchmeier the fact that you  
15 were not intending to spend all of your time at the Winston  
16 home?

17 A No. I wouldn't -- I didn't -- not that I can think  
18 of, no.

19 Q He give you any advice on how to make it look like  
20 you were?

21 A No.

22 Q You testified that you were getting a delivery often  
23 to the home, food delivery?

24 A (No audible response).

25 Q Sorry. My voice is a little out, as you can all

1 tell.

2 A That's okay.

3 Q You testified earlier that you were getting food  
4 delivery --

5 A No. I did not testify to that. I said I'd go out  
6 and get food and I'd eat there. I don't cook at the address.  
7 I'll go out and pick up food and bring it back.

8 Q Have you provided any evidence of that in this case?

9 A Just my testimony.

10 Q There was some testimony earlier about how you're a  
11 clean person, you'd not expect to see a dirty carpet in your  
12 home. Just to be clear, you've never cleaned that carpet in  
13 that home, right?

14 A I have not cleaned it, no.

15 Q When you say you have not, you've hired anybody to  
16 clean it?

17 A No.

18 MR. WILENCHIK: Let's see here. That's all I got.

19 THE COURT: All right. Thank you.

20 Any additional questions --

21 MR. ARELLANO: None from me, Your Honor.

22 THE COURT: -- by way of redirect? Okay.

23 Sir, you may step down. Thank you.

24 All right. Let's take a ten-minute break. It's 2:54  
25 now, and we'll start up again at 3:04.

1 Do you have any additional witnesses, Mr. Wilenchik?

2 MR. WILENCHIK: No. I'm done.

3 THE COURT: Okay.

4 THE BAILIFF: All rise.

5 (Recess at 2:54 p.m., recommencing at 3:12 p.m.)

6 THE BAILIFF: All rise.

7 THE COURT: Thank you. Please be seated.

8 So CV 2022-9450, Moises Sanchez v. Kevin Robinson, et  
9 al. We're continuing with our evidentiary hearing. Counsel  
10 and the parties are present. So Mr. Wilenchik, have you rested  
11 formally?

12 MR. WILENCHIK: Yes.

13 THE COURT: Okay.

14 MR. ARELLANO: I have as well, Your Honor.

15 THE COURT: Do you folks wish to offer any closing  
16 remarks?

17 MR. WILENCHIK: Yes, Your Honor.

18 THE COURT: Okay.

19 MR. WILENCHIK: Thank you, Your Honor. And thanks  
20 everyone today for being so patient today with my slowly dying  
21 vocal cords here. Well, Your Honor, one thing we'd like to  
22 direct your attention to is these rules of residence that are  
23 found with the Phoenix City Code. We did cite to them within  
24 our application to order to show cause; it's Section 12-214 of  
25 the Phoenix City Code. These are strictly rules of evidence

1 for determining the residence of any voter in the city of  
2 Phoenix. But under the Arizona Constitution, you do have to be  
3 a qualified voter in order to run for office. So these are  
4 every bit as applicable to Candidate Robinson.

5 And specifically what's critical here is subsection  
6 (g), which I'm happy to put on the ELMO, by the way.

7 Subsection (g) which I'll -- provide for the place where a  
8 person's family permanently resides. The City of Phoenix  
9 specific language: permanently resides. The City of Phoenix  
10 Charter also talks about being permanent -- maintaining a  
11 permanent residence. Where the person's family permanently  
12 resides is the person's residence, unless the person is  
13 separated.

14 We've heard testimony that Mr. Robinson is not  
15 separated from his spouse. And this is the first critical  
16 point here for why he does not meet the rules of residence for  
17 a true resident of the City of Phoenix, much less District 6.  
18 His family, his wife and his stepchildren but particularly the  
19 wife, do not consider this their home. This is not their home  
20 and it's not their permanent home, this address in Phoenix.

21 Home, we heard from Mr. Robinson, is in Scottsdale.  
22 That's where his wife lives. She's never even slept at this  
23 home in Phoenix. And I believe there's testimony that I caught  
24 at the end there where Mr. Robinson volunteered that the kids  
25 come home sometimes, and if they lost a stable place to live,

1 they would come to their home, their permanent home, their  
2 permanent residence, the Scottsdale address, not Phoenix.

3 We can all see what's going on with this Phoenix  
4 address. And I did my best to elicit the full context of it.  
5 But this is campaign 101. When you go to run at a district,  
6 this is what you're told to do is rent a place, change your  
7 driver's license. And that's what Mr. Robinson was doing here.  
8 He did all the basic steps that every candidate knows to do to  
9 make it look like you're actually residing in a district.

10 What was missing there was any actual intention to  
11 make this his home, his permanent residence. In fact, what  
12 we've heard here today, it was somewhat surprising to me, is  
13 that he intends to terminate this lease even. He doesn't  
14 intend to renew it. This lease ends before election day. It  
15 ends in October, we've heard. So this is not even his  
16 permanent home.

17 And when I asked him the question, a very simple  
18 question, that is required under the Phoenix City Charter,  
19 where is your permanent home, I'm not sure what answer I got;  
20 there was no clear answer there. The only clear answer I heard  
21 was between the words he gave us when he was talking about the  
22 step-kids and where his wife lives, that home, home where they  
23 could home, is Scottsdale. It's not this address in Phoenix.  
24 This is something he's rented solely for the purpose of running  
25 a campaign.

1           And I'll give him credit; that's exactly what he  
2       said. I asked him that question, and it was objected to, and  
3       it was overruled. I asked him, did you rent this address just  
4       to run for office? And his answer was, yes, he did. That's  
5       obvious from the context here. It's obvious from the fact he's  
6       leasing it out -- it's not even a full lease that goes all the  
7       way through election day. He's testified now he's not even  
8       going to stay in this place.

9           I'd like to say it looked like a bachelor pad, but it  
10      really didn't. It was immaculate; it was clean. It didn't  
11      look like he was even living there on the days he's testified  
12      to. But how many days did he even testify he's living there?  
13      He said it was pretty close to 50-50. I think he knows enough  
14      to say, well, the 50 should be on the side -- the higher than  
15      50 on the side of Phoenix. But I don't know that it is.

16           What we saw there was a residence that's barely lived  
17      in, nothing in the fridge. I didn't see trash, things like  
18      that that I think most of us would point to as the first  
19      evidence of life. I got three little kids, and my home's a  
20      disaster zone. So strictly bachelor's living alone, there's no  
21      evidence of any real proof of life there. You got an empty  
22      fridge, boxes aren't opened, immaculate carpet. Of course,  
23      it's a furnished apartment, so that wasn't persuasive at all  
24      that he's actually residing in the place. And what would there  
25      be other than things like that? Other than that, all we have

1 is his testimony.

2           And that's why this Ring camera stands out as being  
3 so important. He's testified that he was deliberately avoiding  
4 the Ring camera. What would there be, in any home -- and  
5 certainly the first thing I think of when I think, gee, would  
6 I -- how would I show I live in my own house. How would there  
7 be any other way of showing he lives there other than that  
8 camera? So that's the real reason he was avoiding that  
9 thing -- he's testifying how he avoided it -- was he knew,  
10 based on discussions with the campaign manager and his wife,  
11 that that thing's keeping track of him.

12           And if somehow it wound up in the hands of a court,  
13 as thankfully it did, then it would show he's not there. So  
14 that's why he was avoiding it. He made it seem as if it was  
15 some ethereal security concern. He was avoiding it because of  
16 this court proceeding. He knew it was the only way to tell,  
17 other than again his own testimony, where he was spending his  
18 time. So again, where his spouse is -- he's obviously got a  
19 strong relationship with his spouse -- that is his home.

20           So what was he actually doing at this address? Well,  
21 I understand he's former law enforcement, and I have great  
22 respect for that. But I think that sort of explains what he  
23 was doing here. He was sort of doing his duty. It was like  
24 his patrol. He was stopping by this place because he had been  
25 told to do so; that that's a way of establishing residence. He

1 did the things you do to make it look like he was there, put  
2 some boxes of crackers in and the family photos up.

3 But he's not actually living there. This is not  
4 where he intends to be. He has no intention to remain. And  
5 again, we've heard today, he's out of there by October. He's  
6 got magazine subscriptions. Again, easy stuff to stage a home,  
7 make it look like you live there. And he went through stuff  
8 like a free newspaper even, so that's not persuasive.

9 We come back to these rules of residence, which when  
10 I read through these rules of residence, I looked at them as  
11 being mostly the kind of common-sense principles that we always  
12 look to when determining residency. But again, it is important  
13 that we have here specific reference to the family -- where the  
14 family permanently resides. We have uncontroverted testimony  
15 that his family does not live here, has no intention of living  
16 here. I mean, he at this point hardly has any intention of  
17 living here. He's moving out of there.

18 The subsequent sections are along the same lines,  
19 worth going over quickly. The person's family resides in one  
20 place. The person does business in another. The former is a  
21 place of residence. Well, that's mostly what I heard he was  
22 doing so, other than, like I say, doing his duty and making it  
23 look like this is the place where he intends to live.

24 He testified to a campaign meeting there -- multiple  
25 campaign meetings there, which there's no video evidence of, so

1 I don't know how those are happening. And then again, it says  
2 if somebody does business in one place but resides their family  
3 somewhere else. Again, it's where their family resides.  
4 That's the residence, not this place where they're doing the  
5 business. In this case, the business of making it look like he  
6 lives there for campaign purposes or conducting campaign  
7 meetings. That's all this place is in Winston. His real home  
8 is in Scottsdale with the family. And it says it expressly:  
9 the former, where the person's family resides, is their place  
10 of residence.

11 By the way, these both have however's. But the  
12 however is, if the place is -- for (g), "If the place is one  
13 only of temporary establishment...it is not a person's  
14 residence." Well, that's exactly what we're talking about  
15 here. The however on this one says, "However, a person whose  
16 family resides in one place but has moved to another place has  
17 actually moved to another place with intention of remaining  
18 there shall be regarded as a resident of the place to" which he  
19 has moved.

20 Well, finally, we read subsection (i), "A person does  
21 not acquire a new residence merely by intending to move to a  
22 place but not actually moving" there and they do not "acquire a  
23 new residence by moving to a place if they do not intend to  
24 make the place that person's home." This is clearly not his  
25 home, Your Honor. And is not his permanent home, which is the

1 language used by the City of Phoenix Campaign Charter. Thank  
2 you.

3 THE COURT: All right. Thank you.

4 MR. ARELLANO: Thank you, Your Honor. I wasn't  
5 planning to, but I want to begin, if I could, with the language  
6 of the city charter here. I'll note that this provision  
7 mirrors I'm pretty sure verbatim A.R.S. 16-593, and that's a  
8 statute that lists every single one of these factors. And it's  
9 used for -- it's supposed to be used by election workers to  
10 determine a voter's residence when they're challenged on --  
11 when that voter's challenged on the residency.

12 And I want to point out, there's case law directly on  
13 point stating that these factors do not control the residency  
14 inquiry generally. And that's Parker v. City of Tucson -- it's  
15 cited in page 5 of our trial brief -- 233 Ariz. 422, paragraph  
16 40, specifically saying that these exact factors don't purport  
17 to create a list of factors that a trial court must consider in  
18 determining a person's residence. And that the presence or  
19 absence of any one of these factors is not dispositive in the  
20 inquiry.

21 But even if it mattered, I do want to point out the  
22 subsection (g), the place where a family -- where a person's  
23 family permanently resides is a person's residence, that can't  
24 be read literally, right. I mean, there's no way that Mr.  
25 Robinson can never have his own residence separate from his

1 wife; that he is tied to wherever his wife lives. And he  
2 testified credibly that, yes, they're still amicably married  
3 but they do have permanent residences. The statute doesn't  
4 prohibit that.

5 And I'll note too, that logically, by the same token,  
6 Mr. Robinson's residence in Ahwatukee could very well be his  
7 wife's for purposes of the statute, right? Because -- let's  
8 take his wife, for instance -- the place where a family's --  
9 where a person's family permanently resides is the person's  
10 residence. By the same token, his residence in Ahwatukee is  
11 hers as well, if you look only look at the statute. And I  
12 think that's one reason why you don't look only at the statute,  
13 right. You have to look at the totality of the circumstances.  
14 And that's what the cases, I think, clearly instruct courts to  
15 do.

16 Now, I should have begun with this at the beginning  
17 of the hearing, but I do want to lay the table a little bit in  
18 terms of the governing legal standards. The first point that I  
19 think bears emphasis is that the Plaintiff here, Mr. Sanchez,  
20 bears the burden of establishing that Mr. Robinson does not  
21 reside in the district by clear and convincing evidence. And  
22 that's both because Mr. Robinson is registered to vote in the  
23 district, and that registration, an element of which is  
24 residence, is presumed to be proper, absent clear and  
25 convincing evidence to the contrary. And that's in statute.

1           The second reason is that the challenger bears the  
2 burden of displacing the validity in nomination petition  
3 challenges, of which this is one, by clear and convincing  
4 evidence as a general matter. So courts are consistent. The  
5 challenger bears the burden to prove whatever they're trying to  
6 prove by clear and convincing evidence and knock someone off  
7 the ballet.

8           The second point I want to cover here is that the  
9 relevant time period we're looking at is actually quite short.  
10 It began July 7th, 2022, which is really just over three weeks  
11 ago. And that's because the Phoenix City Charter, the Phoenix  
12 City Code, and Arizona Statute all require candidates to live  
13 in the district they propose to represent at the time of  
14 nomination. And here Mr. Robinson filed his nomination paper,  
15 a nomination petition, as he testified and as the exhibits  
16 show, on July 7th of 2022. And that's when the residency  
17 requirement kicked in.

18           Now, I mention that not to suggest that Mr. Robinson  
19 has only lived at this house for the last three or four weeks.  
20 I mention it just to really make this case even easier than it  
21 already is. And that's because the testimony and evidence  
22 today I think demonstrated overwhelmingly that Mr. Robinson has  
23 resided in District 6 since most recently October of 2021 when  
24 he leased the Winston Drive property.

25           As I think we can all agree, residence turns, at a

1 very general level, on physical presence and intent to remain.  
2 And when you look to the factors that court look to in  
3 assessing intent to remain, those are all present here. And I  
4 think a particularly illustrative example of how to apply those  
5 factors is the Shooter case that we cited to in our papers; we  
6 included a copy of it. It was a 2018 decision by Judge Mroz,  
7 where you had Don Shooter, who represented a legislative  
8 district in Yuma but spent most of his time in Phoenix.

9           And some of the things that Judge Mroz found in that  
10 case were that Shooter spent two-thirds of his time in the  
11 Phoenix house, over 50 percent. At one point, he was actually  
12 registered to vote in Maricopa County. He had some mail  
13 delivered to the Phoenix address. He rented the Yuma apartment  
14 that he had, had only a month-to-month lease, and didn't own  
15 any real property in Yuma. And this is perhaps my favorite  
16 fact of the case is that the electricity at the Yuma apartment  
17 had been shut off for several months at the time of the  
18 challenge.

19           And I think particularly pertinent here given Mr.  
20 Wilenchik's argument, the court specifically noted that Mr.  
21 Shooter's wife resided at the Phoenix house and rarely visited  
22 the Yuma apartment. And I'll note that that case also did  
23 happen, I think incorrectly, look to the factors listed in 15-  
24 593, among which is where a person's family permanently  
25 resides. And notwithstanding that acknowledge that Mr.

1 Shooter's wife lived in Phoenix, yet the court still found that  
2 Mr. Shooter resided in Yuma for purposes of residence. And  
3 that's because he kept the Yuma address on his driver's  
4 license, he kept it on his voter registration that he  
5 ultimately updated back to Yuma, he received mail at the Yuma  
6 apartment, and he paid rent there; he kept it furnished, he  
7 received visitors there, and he voted in Yuma County.

8 All those factors are present here. Mr. Robinson has  
9 testified that he is registered to vote at the Winston Drive  
10 address and has actually voted there twice already, and that's  
11 a fact that I think carries particular weight under the case  
12 law. He pays pretty substantial rent of \$2,750 plus utilities  
13 a month. He entered into a one-year lease. There's no  
14 requirement in the statute that a lease be for the duration of  
15 a person's candidacy or for the duration of their time in  
16 office. It's perfectly appropriate for him to sign a lease for  
17 one year. Ad he testified credibly, I think, that he had every  
18 intention to renew that lease and in fact to actually even go  
19 further into the house by seeking to pay more to keep his dogs  
20 there until he, quite understandably, developed some pretty  
21 significant privacy concerns as a result of this case.

22 He testified that he spends most of his nights at the  
23 Winston Drive property. He testified that the only reason he  
24 didn't put the utilities in his name was because the landlord  
25 preferred him not to. He keeps many of his personal belongings

1 there, including food, books, family photos, clothes,  
2 toiletries, a sleeping device. He receives correspondence,  
3 periodicals and packages, at the Winston Drive address. And he  
4 has the Winston Drive address on his personal bank account and  
5 on his Motor Vehicle Division record.

6 Now, the evidence that Plaintiff has put forward is  
7 not persuasive, let alone clear and convincingly so. The Ring  
8 footage is incomplete. As both Mr. Robinson and the landlord  
9 testified, it covers only a portion of the home through which  
10 Mr. Robinson rarely enters. And I think he testified, again  
11 credibly, I believe, that the reason he prefers not to use that  
12 option -- that entrance is precisely to avoid what happened  
13 today, which is to have someone else monitor his movements and  
14 disclose those to third parties who we'd rather not have that  
15 information.

16 The SRP bills, only the most recent of which even  
17 covers part of the relevant time period, show usage; it showed  
18 I think just shy of \$100 worth of power usage. The  
19 surveillance video I think we saw shows surveillance on only a  
20 single day, and it shows he goes to the Scottsdale house and he  
21 leaves. And he testified that he went back to the Ahwatukee  
22 property to spend the night.

23 As I mentioned, there's no requirement to remain  
24 permanently -- and by permanent, I say indefinitely -- in a  
25 single home, right. There's no requirement that you have an

1 open-ended lease that lasts until who knows when, right. It's  
2 perfectly appropriate under the case law to have a year-long  
3 lease. You look to -- if you want to prove someone doesn't  
4 live there, you look to a -- is there a month-to-month lease;  
5 is there no lease; is there just kind of indeterminate rental  
6 option.

7 And that's not what we have here. We have a firm  
8 commitment coupled with obtaining renter's insurance, coupled  
9 with the moving of personal belongings there that demonstrate,  
10 I think, pretty clearly both physical presence and intent to  
11 remain in the district. I think also that even though Mr.  
12 Robinson testified that as a result of the events that happened  
13 in this litigation, he no longer wants to live at that  
14 particular house. I mean, who would? But he has every  
15 intention to remain in the district, which is quite large.

16 And so with that, I will conclude that we have here,  
17 I think quite clearly, physical presence and intent to remain.  
18 And so Your Honor should deny all relief sought in the  
19 complaint. Unless Your Honor has any further questions?

20 THE COURT: No, sir.

21 MR. ARELLANO: Thank you.

22 THE COURT: Thank you. Mr. Wilenchik, do you agree  
23 that it's a clear and convincing evidence standard?

24 MR. WILENCHIK: No, I don't. And candidly, I was  
25 just texting with my associate actually right to the seven-page

1 memo they filed. I do not believe it's clear and convincing.  
2 And I'm trying to understand. I think they cite some statute  
3 that talks about how there's a presumption when you file your  
4 voter registration paperwork that you're registered to vote.  
5 So if that's what they're citing, I don't agree at all. I  
6 think the only way for me to address it, unfortunately, would  
7 be to file something -- I'll try to do it tonight -- something  
8 in response to this seven-page memo.

9           The other legal point I was taking some  
10 (indiscernible) over -- let me just reference my notes quickly  
11 here. Oh, the Shooter case. Well, I understand Shooter's not  
12 a published case. It's not even a Court of Appeals case  
13 they're citing there. It's a trial court decision from  
14 (indiscernible). So there's an issue legally with that  
15 authority as well.

16           As far as the, again, legal argument goes that this  
17 city -- and this is not the charter here, to be clear. This is  
18 the city code. The charter separately provides, I'll quote it,  
19 that the candidate shall, at the time of his nomination and  
20 during his tenure, maintain his permanent residence within the  
21 district from which he was nominated. The maintain permanent  
22 residence language. That's cited in our application for to  
23 show cause.

24           Coming back to these rules of residence and code, the  
25 argument was made that this does not mean exactly what it says.

1 Well, I'm going to have to disagree with that. I think it does  
2 mean exactly what it says. The place a person's family  
3 permanently resides is their residence. That is a common-sense  
4 principle that has every right and reason to be here. And it's  
5 obviously intended to deal with these kind of situations, where  
6 someone isn't genuinely trying to move somewhere; they're not  
7 even bringing their family.

8 It's just a political thing. It's a, hey, I want to  
9 run in that district, I want to go carpetbag in District 6, and  
10 let me rent the house and change my address and all this stuff  
11 that makes it look like I'm there and I'm not really there. We  
12 can see what's being done here. So again, I would ask for the  
13 leave to -- I'll file a response to the trial brief. I think  
14 most the points that were made were legal ones, and I can  
15 address those.

16 THE COURT: Okay. Yeah, I'll grant leave for you to  
17 address the burden of proof. And if you could file it -- I'll  
18 direct it be filed by noon tomorrow.

19 MR. WILENCHIK: Thanks, Judge.

20 THE COURT: Okay. Thank you. I'm going to take this  
21 under advisement. Thank you all for your time. I will rule  
22 and -- I hope to rule tomorrow. If it's not tomorrow, it will  
23 be the day after. Is there anything else for today?

24 MR. ARELLANO: Nothing further.

25 MR. WILENCHIK: Not from us, Your Honor.

1 THE COURT: Okay. Well, thank you all for being  
2 here. We are adjourned.

3 THE BAILIFF: All rise.

4 (Proceedings concluded at 3:34 p.m.)  
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CERTIFICATE

eScribers has a current transcription contract with the Maricopa County Superior Court under contract # 13010-001, as such, eScribers is an "authorized Transcriber"

We, BONNIE TORREZ, CET-1213, BRODERICK VANSCHOICK, KATHERINE SCHLAPPI, MEREDITH BLOCK, NICOLE FERGUSON, CDLT-149, ELIZABETH ARIZOLA, court-approved transcribers, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of our professional skills and abilities.

/s/

\_\_\_\_\_  
KATHERINE SCHLAPPI,  
Transcriber

August 8, 2022

# APPENDIX 3



RECORDING REQUESTED BY  
**OLD REPUBLIC TITLE AGENCY**

47  
Pa

ORDER #: 4712002643  
WHEN RECORDED MAIL TO  
Kelly J. Barr and Michael S McCoy  
502 East State Avenue  
Phoenix, AZ 85020

3083

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### WARRANTY DEED

For valuable consideration, receipt of which is hereby acknowledged Kelly J. Barr and Michael S. McCoy, wife and husband

Do hereby convey to Michael Scott McCoy and Kelly J Barr, Trustees of The Barr McCoy Family Trust, u/t/a dated February 8, 2002

the following real property situated in Maricopa County, Arizona:

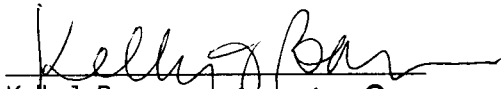

See "Exhibit A" attached hereto and made a part hereof.  
Affidavit Exempt Per A.R.S. 11-1134B8  
Pursuant to ARS 33-404, Beneficiaries names and addresses are attached.

**COURTESY RECORDING  
NO TITLE CO LIABILITY**

SUBJECT TO existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters above set forth.


Dated: September 28, 2012

  
\_\_\_\_\_  
Kelly J. Barr  
  
\_\_\_\_\_  
Michael S. McCoy

State of Arizona  
County of Maricopa

This instrument was acknowledged before me this 10<sup>th</sup> day of October, 2012 by Kelly J. Barr and Michael S. McCoy

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public



**MARC T ARMSTRONG**  
Notary Public - Arizona  
Maricopa County  
Expires 02/28/2015

**ORDER NO. : 4712002643-OP**

**EXHIBIT A**

Lot 15, Oranewood Plaza, according to Book 82 of Maps, page 45, records of Maricopa County, Arizona.

Unofficial Document

NAME OF TRUST: The Barr McCoy Family Trust

DATED: February 8, 2002

\*\*\*PLEASE INCLUDE ADDRESSES FOR EACH BENEFICIARY\*\*\*

Pursuant to ARS 33-404, the beneficiaries of the above named trust are:

1. Michael S. McCoy  
502 East State Ave.  
Phoenix, AZ 85020
2. Kelly J. Barr  
502 E. State Ave  
Phoenix, AZ 85020
3. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Unofficial Document

The above beneficiaries disclosure was provided by the undersigned Trustee(s), and is an accurate list of all the beneficiaries under the referenced Trust Agreement.

Dated this 28th day of September 2012.

Michael Scott McCoy, Trustee  
Michael Scott McCoy, Trustee

Kelly J Barr, Trustee  
Kelly J Barr, Trustee

# APPENDIX 4



**PUBLIC OFFICER AND CANDIDATE FINANCIAL DISCLOSURE STATEMENT**

Name of Public Officer or Candidate:

Michael Scott McCoy

Address: (Please note: this address is public information and not subject to redaction)

201 W. Jefferson Phoenix AZ 85003

Public Office Held or Sought:

Superior Court Judge

District / Division Number (if applicable):

Maricopa County Superior Court, Division 18

Please check the appropriate box that reflects your service for this filing year:

- I am a public officer filing this Financial Disclosure Statement covering the 12 months of calendar year 2021.
- I have been appointed to fill a vacancy in a public office within the last 60 days and am filing this Financial Disclosure Statement covering the 12 month period ending with the last full month prior to the date I took office.
- I am a public officer who has served in the last full year of my final term, which expires less than thirty-one days into calendar year 2022. This is my final Financial Disclosure Statement covering the last 12 months plus the final days of my term for the current year.
- I am a candidate for a public office, and am filing this Financial Disclosure Statement covering the 12 months preceding the date of this statement, from the month of January 2021, to the month of January 2022.

**VERIFICATION**

- I verify under penalty of perjury that the information provided in this Financial Disclosure Statement is true and correct.

**/S/ Michael Scott McCoy 1/31/2022**

Signature of Public Officer or Candidate

## A. PERSONAL FINANCIAL INTERESTS

This section requires disclosure of your financial interests and/or the financial interests of the member(s) of your household.

### 1. Identification of Household Members and Business Interests

**What to disclose:** If you are married, is your spouse a member of your household?  **Yes**  **No**  **N/A** (If not married/widowed, select N/A)

Are any minor children members of your household?  **Yes** (if yes, disclose how many)   **No**  **N/A** (If no children, select N/A)

For the remaining questions in this Financial Disclosure Statement, the term "member of your household" or "household member" will be defined as the person (s) who correspond to your "yes" answers above.

## 2. Sources of Personal Compensation

**What to disclose:** In subsection (2)(a), provide the name and address of any employer and/or any other source of compensation who provided you or any member of your household more than \$1,000 (other than "Gifts") during the period covered by this report\*. Describe the nature of each and the type of services for which you or a member of your household were compensated.

\* Compensation is defined as "anything of value or advantage, present or prospective, including the forgiveness of debt." [A.R.S. § 38-541\(2\)](#).

In subsection (2)(b), if applicable, list anything of value that any other person (outside your household) received for your, or a member of your household's, use or benefit. For example, if a person was paid by a third-party to be your personal housekeeper, identify that person, describe the nature of that person's services that benefited you, and provide information about the third-party who paid for the services on your behalf. **You need not disclose** income of a business, including money you or any member of your household received that constitutes income paid to a business that you or your household member owns or does business as. This type of business income will be disclosed in Question 12.

### Subsection (2)(a):

PUBLIC OFFICER OR HOUSEHOLD MEMBER BENEFITED	NAME AND ADDRESS OF SOURCE WHO PROVIDED COMPENSATION > \$1,000	NATURE OF SOURCE OR EMPLOYER'S BUSINESS	NATURE OF SERVICES PROVIDED BY PUBLIC OFFICER OR HOUSEHOLD MEMBER
Michael Scott McCoy	State of Arizona Maricopa County	Superior Court	Judge

### Subsection (2)(b) (if applicable):

PUBLIC OFFICER OR HOUSEHOLD MEMBER BENEFITED	NAME AND ADDRESS OF PERSON WHO PROVIDED SERVICES VALUED OVER \$1,000 FOR YOUR OR YOUR HOUSEHOLD MEMBER'S USE OR BENEFIT	NATURE OF SERVICES PROVIDED BY PERSON FOR YOUR OR YOUR HOUSEHOLD MEMBER'S USE OR BENEFIT	NAME AND ADDRESS OF THIRD PARTY WHO PAID FOR PERSON'S SERVICES ON YOUR OR YOUR HOUSEHOLD MEMBER'S BEHALF
Spouse	Kelly J. Barr Project Drive, Tempe, Arizona	Chief Sustainability Officer	Salt River Project Project Drive, Tempe, Arizona

### 3. Professional, Occupational and Business Licenses

**What to disclose:** List all professional, occupational or business licenses held by you or any member of your household at any time during the period covered by this Financial Disclosure Statement. This includes licenses in which you or a member of your household had an "interest," which includes (but is not limited to) any business license held by a "controlled" or "dependent" business as defined in Question 12.

PUBLIC OFFICER OR HOUSEHOLD MEMBER	TYPE OF LICENSE	PERSON OR ENTITY HOLDING THE LICENSE	JURISDICTION OR ENTITY THAT ISSUED LICENSE
Michael Scott McCoy	Licensed Attorney	Michael Scott McCoy	State Bar of Arizona
Spouse	Licensed Attorney	Kelly J. Barr	State Bar of Arizona

#### 4. Personal Creditors

**What to disclose:** The name and address of each creditor to whom you or a member of your household owed a qualifying personal debt over \$1,000 during any point during the period covered by this Financial Disclosure Statement.

Additionally, if the qualifying personal debt was either incurred for the first time or completely discharged (paid in full) during this period, list the date and check the applicable box to indicate whether it was incurred or discharged. Otherwise, check the box for "N/A" if the debt was not first incurred or fully discharged during the period covered by this Financial Disclosure Statement.

You need not disclose the following, which do not qualify as "personal debt":

- Debts resulting from the ordinary conduct of a business (these will be disclosed in Section B);
- Debts on any personal residence or recreational property;
- Debts on motor vehicles used primarily for personal purposes (not commercial purposes);
- Debts secured by cash values on life insurance;
- Debts owed to relatives;
- Personal credit card transactions or the value of any retail installment contracts you or your household member entered into.

PUBLIC OFFICER OR HOUSEHOLD MEMBER OWING THE DEBT	NAME AND ADDRESS OF CREDITOR (OR PERSON TO WHOM PAYMENTS ARE MADE)	DISCLOSE IF THE DEBT WAS FIRST INCURRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A

**Memo:**

None.

## 5. Personal Debtors

**What to disclose:** The name of each debtor who owed you or a member of your household a debt over \$1,000 at any time during the period covered by this Financial Disclosure Statement, along with the approximate value of the debt by financial category.

Additionally, if the debt was either incurred for the first time or completely discharged (paid in full) during this period, list the date and check the box to indicate whether it was incurred or discharged. Otherwise, select "N/A" (for "not applicable") if the debt was not first incurred or fully discharged during the period covered by this Financial Disclosure Statement.

PUBLIC OFFICER OR HOUSEHOLD MEMBER OWED THE DEBT	NAME OF DEBTOR	APPROXIMATE VALUE OF DEBT	DISCLOSE IF THE DEBT WAS FIRST INCURRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A	N/A

**6. Gifts**

**What to disclose:** The name of the donor who gave you or a member of your household a single gift or an accumulation of gifts during the preceding calendar year with a cumulative value over \$500, subject to the exceptions listed in the below "You need not disclose" paragraph. A "gift" means a gratuity (tip), special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without adequate consideration (reciprocal value) and not provided to members of the public at large (in other words, a personal benefit you or your household member received without providing an equivalent benefit in return).

**Please note:** the concept of a "gift" for purposes of this Financial Disclosure Statement is separate and distinct from the gift restrictions outlined in Arizona's lobbying statutes. Thus, disclosure in a lobbying report does not relieve you or a member of your household's duty to disclose gifts in this Financial Disclosure Statement.

You need not disclose the following, which do not qualify as "gifts":

- Gifts received by will;
- Gift received by intestate succession (in other words, gifts distributed to you or a household member according to Arizona's intestate succession laws, not by will);
- Gift distributed from an *inter vivos* (living) or testamentary (by will) trust established by a spouse or family member;
- Gifts received from any other member of the household;
- Gifts received from parents, grandparents, siblings, children and grandchildren; or
- Political campaign contributions reported on campaign finance reports.

PUBLIC OFFICER OR HOUSEHOLD MEMBER WHO RECEIVED GIFT(S) OVER \$500	NAME OF GIFT DONOR
N/A	N/A

## 7. Office, Position or Fiduciary Relationship in Businesses, Nonprofit Organizations or Trusts

**What to disclose:** The name and address of each business, organization, trust or nonprofit organization or association in which you or any member of your household held any office, position, or fiduciary relationship during the period covered by this Financial Disclosure Statement, including a description of the office, position or relationship.

PUBLIC OFFICER OR HOUSEHOLD MEMBER HAVING THE REPORTABLE RELATIONSHIP	NAME AND ADDRESS OF BUSINESS, ORGANIZATION, TRUST, OR NONPROFIT ORGANIZATION OR ASSOCIATION	DESCRIPTION OF OFFICE, POSITION OR FIDUCIARY RELATIONSHIP HELD BY THE PUBLIC OFFICER OR HOUSEHOLD MEMBER
Spouse	Salt River Project Project Drive, Tempe, Arizona	Associate General Manager
Spouse	Teach for America, O'Connor Institute Phoenix, Arizona	Board Member
Michael Scott McCoy	Patricia A. McCoy Family Trust Phoenix, AZ	Trustee
Michael Scott McCoy	P. Eileen McCoy Special Needs Trust Phoenix, Arizona	Trustee

## 8. Ownership or Financial Interests in Businesses, Trusts or Investment Funds

**What to disclose:** The name and address of each business, trust, or investment fund in which you or any member of your household had an ownership or beneficial interest of over \$1,000 during the period covered by this Financial Disclosure Statement. This includes stocks, annuities, mutual funds, or retirement funds. It also includes any financial interest in a limited liability company, partnership, joint venture, or sole proprietorship. Also, check the box to indicate the value of the interest.

PUBLIC OFFICER OR HOUSEHOLD MEMBER HAVING THE INTEREST	NAME AND ADDRESS OF BUSINESS, TRUST OR INVESTMENT FUND	DESCRIPTION OF THE BUSINESS, TRUST OR INVESTMENT FUND	APPROXIMATE EQUITY VALUE OF THE INTEREST
Michael Scott McCoy Spouse	Private Equity and Mutual Funds N/A	Mutual Funds and Private Equity Fund (Listed in Memo, Below)	\$25,001 - \$100,000

**Memo:**  
 SPDR Mutual Funds (Various), DFA U.S. Targeted Value Portfolio,  
 Dodge & Cox (Various), JPMorgan Stable Value, New Perspective Fund, NT Funds (Various), T. Rowe Price Growth Stock, Vanguard (Numerous) Funds,  
 iShares National Muni Bond, PIMCO Intermediate Municipal Bond, Short Term Municipal Bond, TMCASH100, VanEck Vectors, First Trust Enhanced Short  
 Maturity, Invesco (various), iShares Value, J P Morgan Chase & Co ETF

## 9. Ownership of Bonds

**What to disclose:** Bonds issued by a state or local government agency worth more than \$1,000 that you or a member of your household held during the period covered by this Financial Disclosure Statement. Also, check the box to indicate the approximate value of the bonds.

Additionally, if the bonds were either acquired for the first time or completely divested (sold in full) during this period, list the date and check the box whether the bonds were acquired or divested. Otherwise, check "N/A" (for "not applicable") if the bonds were not first acquired or fully divested during the period covered by this Financial Disclosure Statement.

PUBLIC OFFICER OR HOUSEHOLD MEMBER ISSUED BONDS	ISSUING STATE OR LOCAL GOVERNMENT AGENCY	APPROXIMATE VALUE OF BONDS	DISCLOSE IF THE BONDS WERE FIRST ACQUIRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A	N/A

## 10. Real Property Ownership

**What to disclose:** Arizona real property (land and improvements), which was owned by you or a member of your household during the period covered by this Financial Disclosure Statement, other than your primary residence or property you use for personal recreation. Also describe the property's location (city and state) and approximate size (acreage or square footage), and check the box to indicate the approximate value of the land.

Additionally, if the land was either acquired for the first time or completely divested (sold in full) during this period, list the date and check the box to indicate whether the land was acquired or divested. Otherwise, check "N/A" (for "not applicable") if the land was not first acquired or fully divested during the period covered by this Financial Disclosure Statement.

**You need not disclose:** Your primary residence or property you use for personal recreation.

PUBLIC OFFICER OR HOUSEHOLD MEMBER THAT OWNS LAND	LOCATION AND APPROXIMATE SIZE	APPROXIMATE VALUE OF LAND	DISCLOSE IF THE LAND WAS FIRST ACQUIRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A	N/A

## 11. Travel Expenses

**What to disclose:** Each meeting, conference or other event during the period covered in this Financial Disclosure Statement where you participated in your official capacity and travel-related expenses of \$1,000 or more were paid on your behalf (or for which you were reimbursed) for that meeting, conference, or other event. "Travel-related expenses" include, but are not limited to, the value of transportation, meals, and lodging to attend the meeting, conference, or other event.

**You need not disclose:** Any meeting, conference, or other event where paid or reimbursed travel-related expenses were less than \$1,000 or your personal monies were expended related to the travel.

NAME OF MEETING, CONFERENCE, OR EVENT ATTENDED IN OFFICIAL CAPACITY AS PUBLIC OFFICER	LOCATION	AMOUNT OR VALUE OF TRAVEL COSTS
Environmental Law for Judges, National Judicial College	Sonoma, Arizona	\$1,000 - \$25,000

## B. BUSINESS FINANCIAL INTERESTS

This section requires disclosure of any financial interests of a business owned by you or a member of your household.

### 12. Business Names

**What to disclose:** The name of any business under which you or any member of your household owns or did business under (in other words, if you or your household member were self-employed) during the period covered by this Financial Disclosure Statement, which include any corporations, limited liability companies, partnerships, sole proprietorships or any other type of business conducted under a trade name.

Also disclose if the named business is controlled or dependent. A business is "controlled" if you or any member of your household (individually or combined) had an ownership interest that amounts to more than 50%. A business is classified as "dependent," on the other hand, if: (1) you or any household member (individually or combined) had an ownership interest that amounts more than 10%; *and* (2) the business received more than \$10,000 from a single source during the period covered by this Financial Disclosure Statement, which amounted to more than 50% of the business' gross income for the period.

**Please note:** If the business was either controlled or dependent, check the box to indicate whether it was controlled or dependent. If the business was both controlled *and* dependent during the period covered by this Financial Disclosure Statement, check *both* boxes. Otherwise, leave the boxes blank.

**Please note:** If a business listed in the foregoing Question 12 was neither "controlled" nor "dependent" during the period covered by this Financial Disclosure Statement, you need not complete the remainder of this Financial Disclosure Statement with respect to that business. If none of the businesses listed in Question 12 were "controlled" or "dependent," you need not complete the remainder of this Financial Disclosure Statement.

PUBLIC OFFICER OR HOUSEHOLD MEMBER OWNING THE BUSINESS	NAME AND ADDRESS OF BUSINESS	DISCLOSE IF THE BUSINESS IS "CONTROLLED" BY OR "DEPENDENT" ON YOU OR A HOUSEHOLD MEMBER
N/A	N/A	N/A

### 13. Controlled Business Information

**What to disclose:** The name of each controlled business listed in Question 12, and the goods or services provided by the business. If a single client or customer (whether a person or business) accounts for more than \$10,000 and 25% of the business' gross income during the period covered by this Financial Disclosure Statement, the client or customer is deemed a "major client" and therefore you must describe what your business provided to this major client in the third column. Also, if the major client is a business, please describe the client's type of business activities in the final column (but if the major client is an individual, write "N/A" for "not applicable"). If the business does not have a major client, write "N/A" for "not applicable."

**You need not disclose:** The name of any major client, or the activities of any major client that is an individual. If you or your household member does not own a business, or if your or your household member's business is not a controlled business, you may leave this question blank.

NAME OF YOUR OR YOUR HOUSEHOLD MEMBER'S CONTROLLED BUSINESS	GOODS OR SERVICES PROVIDED BY THE CONTROLLED BUSINESS	DESCRIBE WHAT YOUR BUSINESS PROVIDES TO ITS MAJOR CLIENT	TYPE OF BUSINESS ACTIVITIES OF THE MAJOR CLIENT (IF A BUSINESS)
N/A	N/A	N/A	N/A

#### 14. Dependent Business Information

**What to disclose:** The name of each dependent business listed in Question 12, and the goods or services provided by the business. You must describe what your business provided to its major "source of compensation"\* in the third column below. Also, if the "source of compensation" is a business, please describe the type of business activities it performs in the final column below (but if the "source of compensation" is an individual, write "N/A" for "not applicable" in the final column below).

If the dependent business is also a controlled business, disclose the business only in Question 13 and leave this question blank.

**You need not disclose:** The name of any "source of compensation," or the activities of any "source of compensation" that is an individual. If you or your household member does not own a business, or if your or your household member's business is not a dependent business, you may leave this question blank.

\* For this section, "source of compensation" is defined as a person or a business that accounts for more than \$10,000 and 50% of the dependent business' gross income during the reporting period.

NAME OF YOUR OR YOUR HOUSEHOLD MEMBER'S DEPENDENT BUSINESS	GOODS OR SERVICES PROVIDED BY THE DEPENDENT BUSINESS	DESCRIBE WHAT YOUR BUSINESS PROVIDES TO SOURCE OF COMPENSATION	TYPE OF BUSINESS ACTIVITIES OF THE SOURCE OF COMPENSATION (IF A BUSINESS)
N/A	N/A	N/A	N/A

### 15. Real Property Owned by a Controlled or Dependent Business

**What to disclose:** Arizona real property (land and improvements), which was owned by a controlled or dependent business during the period covered by this Financial Disclosure Statement. Also describe the property's location (city and state) and approximate size (acreage or square footage), and check the box to indicate the approximate value of the land. If the business is one that deals in real property and improvements, check the box that corresponds to the aggregate value of all parcels held by the business during the period covered by this Financial Disclosure Statement.

Additionally, if the land was either acquired for the first time or completely divested (sold in full) during this period, list the date and check whether the land was acquired or divested. Otherwise, check "N/A" (for "not applicable") if the land was not first acquired or fully divested during the period covered by this Financial Disclosure Statement.

**You need not disclose:** If you or your household member does not own a business, or if your or your household member's business is not a dependent business, you may leave this question blank.

NAME OF CONTROLLED OR DEPENDENT BUSINESS THAT OWNS LAND	LOCATION AND APPROXIMATE SIZE	APPROXIMATE VALUE OF LAND	DISCLOSE IF THE LAND WAS FIRST ACQUIRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A	N/A

## 16. Controlled or Dependent Business' Creditors

**What to disclose:** The name and address of each creditor to which a controlled or dependent business owed more than \$10,000, if that amount was also more than 30% of the business' total indebtedness at any time during the period covered by this Financial Disclosure Statement ("qualifying business debt".)

Additionally, if the qualifying business debt was either incurred for the first time or completely discharged (paid in full) during this period, list the date and check the box to indicate whether it was incurred or discharged. Otherwise, check "N/A" (for "not applicable") if the business debt was not first incurred or fully discharged during the period covered by this Financial Disclosure Statement.

**You need not disclose:** If you or your household member does not own a business, or if your or your household member's business is not a controlled or dependent business, you may leave this question blank.

NAME OF CONTROLLED OR DEPENDENT BUSINESS OWING THE QUALIFYING DEBT	NAME AND ADDRESS OF CREDITOR (OR PERSON TO WHOM PAYMENTS ARE MADE)	DISCLOSE IF THE DEBT WAS FIRST INCURRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A

## 17. Controlled or Dependent Business' Debtors

**What to disclose:** The name of each debtor who owed more than \$10,000 to a controlled or dependent business, if that amount was also more than 30% of the total indebtedness owed to the controlled or dependent business at any time during the period covered by this Financial Disclosure Statement ("qualifying business debt".) Also check the box to indicate the approximate value of the debt by financial category.

Additionally, if the qualifying business debt was either incurred for the first time or completely discharged (paid in full) during this period, list the date and check the box to indicate whether it was incurred or discharged. Otherwise, check "N/A" (for "not applicable") if the business debt was not first incurred or fully discharged during the period covered by this Financial Disclosure Statement.

**You need not disclose:** If you or your household member does not own a business, or if your or your household member's business is not a controlled or dependent business, you may leave this question blank.

NAME OF CONTROLLED OR DEPENDENT BUSINESS OWED THE DEBT	NAME OF DEBTOR	APPROXIMATE VALUE OF DEBT	DISCLOSE IF THE DEBT WAS FIRST INCURRED OR COMPLETELY DISCHARGED DURING THIS REPORTING PERIOD
N/A	N/A	N/A	N/A

# APPENDIX 5





## NOMINATION PETITION FOR CITY COUNCIL MEMBER

I, the undersigned, a qualified elector residing within District 6 of the City of Phoenix, Arizona, hereby join in a petition for the nomination of Kevin Robinson, who resides at 4625 E Winston Dr Phoenix AZ 85044 in the City of Phoenix, Arizona, for the office of City Council Member from District 6, to be voted for at the municipal election to be held in the City of Phoenix, on the 8th day of November, 2022, and I hereby affirm that I am qualified to vote for this office, that I have not signed and will not sign a petition nominating any other candidate for the above named office, and that my actual residence is as set opposite my name below. I further declare that if I choose to use a Post Office Box address on this petition, my residence address has not changed since I last reported it to the County Recorder for purposes of updating my voter registration file.

#	SIGNATURE	PRINTED NAME	ACTUAL RESIDENCE ADDRESS, DESCRIPTION OF PLACE OF RESIDENCE, OR ARIZONA POST OFFICE BOX ADDRESS	CITY OR TOWN & ZIP CODE	DATE SIGNED
1.		Karen Peters	7225 N. Central Avenue	Phoenix AZ 85020	6/26/22
2.		Kelly Barr	502 E. State Ave	Phoenix 85006	6/22/22
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

### CERTIFICATE

I, the undersigned, qualified to register to vote in the State of Arizona, do hereby certify that each of the signatures appearing on this petition sheet was signed in my presence on the date indicated and that to the best of my knowledge and belief all the signers of this nomination petition are qualified electors of the Council District the candidate named on this petition seeks to represent.

Circulator's signature

Jack Keeney  
Circulator's printed name

2705 S Jennifer Ln Tempe AZ 85282  
Circulator's actual residence address or description of place of residence