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10 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

11
12 In The Matter Of,
13 TOM HORNE, Tom Horne for
Attorney General Committee (SOS
14 Filer ID 2010 00003); KATHLEEN
WINN, Business Leaders for Arizona
15 (SOS Filer ID 2010 00375)

NO. 13F-CF20120001-MCAO

**MARICOPA COUNTY ATTORNEY'S
RESPONSE TO THE EXPEDITED
MOTION FOR TELEPHONIC PRE-
HEARING CONFERENCE**

(Assigned to the Honorable Tammy
Eigenheer)

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18 The Maricopa County Attorney's Office submits this response to address
19 statements made in Appellants' Expedited Motion for a Telephonic Pre-Hearing
20 Conference. Appellants assert that the hearing scheduled in this matter should
21 be rescheduled because Respondent's added five new witnesses in the
22 Amended Witness and Exhibit List filed February 14, 2013. That assertion does
not give the full story.

1 First, three of the five “new” witnesses were listed in the Appellants’
2 Witness and Exhibit Lists that were filed on December 5, 2012. Appellant
3 Kathleen Winn listed Brian Murray as a witness that was expected to testify.
4 Appellants Tom Horne listed Brian Grehoski and Lucia de Vernai as witnesses
5 that were expected to testify. Appellants had sufficient notice that these three
6 witnesses were expected to testify. In addition, the transcripts of the FBI
7 interviews of Brian Murray and Lucia de Vernai were provided to Appellants.
8 Likewise, the written reports and documents created by Brian Grehoski were also
9 provided to Appellants.

10 Second, James Keppel is a new witness listed, but Appellants have been
11 provided the transcript of the FBI interview with Mr. Keppel and copies of Mr.
12 Keppel’s handwritten notes that he provided to the FBI. Mr. Keppel was the
13 Criminal Division Chief at the Attorney General’s Office appointed by Mr. Horne
14 following the 2010 election. Mr. Keppel’s expected testimony will not be a
15 surprise to the Appellants. The Maricopa County Attorney’s Office has learned,
16 however, that Mr. Keppel will be in Hawaii during the five day period scheduled
17 for the hearing so he will only be called to testify if arrangements can be made for
18 his telephonic appearance.

19 Third, Karen Osborne, the Maricopa County Elections Director, is a new
20 witness listed to provide testimony, if necessary, regarding the law on
21 independent expenditures and campaign finance enforcement. Ms. Osborne’s
22 expected testimony also will be no surprise to the Appellants.

1 Appellants have not made a showing of good cause to continue this
2 hearing based on the Maricopa County Attorney's amended list of witnesses.
3 Therefore, Appellant's Motion for a Continuance should be denied.

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5 RESPECTFULLY SUBMITTED this 15th day of February, 2013.

6 WILLIAM G. MONTGOMERY
7 MARICOPA COUNTY ATTORNEY

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15 ORIGINAL of the foregoing was
16 E-FILED this 15th day of February,
17 2013, and **electronically submitted**
18 **to registered parties** of record:

19 Honorable Tammy Eigenheer
20 Administrative Law Judge
21 ARIZONA OFFICE OF
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s/ Jennifer Christiansen

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