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State Bar Number: 002257  
5 Pima County Bar Number: 48228

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State Bar Number: 007069  
7 Pima County Bar Number: 21588

8 *Attorney for Plaintiff*

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF PIMA**

11  
12 **DEMOCRATIC PARTY OF PIMA**  
**COUNTY,**

13  
14 Plaintiff,

15 -vs-

16 **PIMA COUNTY BOARD OF**  
**SUPERVISORS, a body politic,**

17  
18 Defendant.

**NO. C2007-2073**

**MOTION TO STRIKE**  
**UNAUTHORIZED NOTICE OF**  
**APPEAL**

Assigned to:  
Hon. Michael Miller

19 The County Administrator, C. H. Huckelberry, caused a Notice of Appeal pursuant to  
20 Rule 8, Arizona Rules of Civil Procedure, to be filed three days after the court's ruling on the  
21 premise that filing such a notice twenty-seven days before the appeal period expired was "to  
22 preserve the County's rights pending final action by the Board." The plaintiff hereby moves  
23 to strike the Notice of Appeal as the Pima County Board of Supervisors has the exclusive

24 ///

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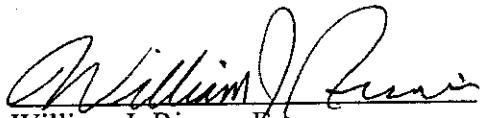
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1 authority to decide whether or not to appeal pursuant to A.R.S. § 11-251(14).

2 RESPECTFULLY SUBMITTED this 2nd day of January, 2008.

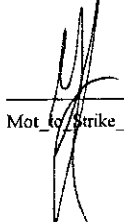
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**RISNER & GRAHAM**

BY:   
William J. Risner, Esq.  
*Attorney for Plaintiff*

**COPY** of the foregoing via facsimile  
this 2nd day of January, 2008, to:

Christopher Straub  
**OFFICE OF THE  
PIMA COUNTY ATTORNEY**  
32 North Stone Avenue #2100  
Tucson, Arizona 85701-1412  
*Attorney for Defendants*

  
\_\_\_\_\_  
~~Mot to Strike Unauthorized NOA~~