

1 Raymond Lutz
1010 Old Chase Ave
El Cajon, CA 92020
2 Telephone: 619-820-5321
Email: raylutz@citizenoversight.org
3

4 RAYMOND LUTZ, IN PRO PER
5
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN DIEGO**
9

10 RAYMOND LUTZ)	Case No.: 37-2016-00023347-CU-PT-CTL
)	
11 Contestant,)	EX PARTE APPLICATION - OTHER AND
)	SUPPORTING DOCUMENTS
12 HILLARY CLINTON, Democratic Presidential)	
13 Party candidate named as an indispensable party,)	(Elections Code Section 16000 et seq.)
and DOES 1-10)	
)	
14 Defendant(s))	
)	
15 MICHAEL VU, Registrar of Voters for the)	Judge: Hon. Laura H. Parsky
16 County of San Diego,)	Dept: C-903
)	Action Filed: 07/11/2016
17 Respondent)	Trial Date: Unassigned
)	

18
19
20 Hearing Date: 05/07/2018 Time: 1:30 PM

21
22 **1. Type of relief requested:** a) Request scheduling an expedited hearing of Motion to
23 Compel b) request ruling to preserve ballot evidence.

24 **2. Reasons ex parte relief is necessary:**

25 **a) Expedited Hearing:** This year's election season is approaching and it will be difficult
26 and confusing to review the ballot evidence for the 2016 primary election during or after the 2018
27 primary election. The County does not feel comfortable providing access to the ballots without a
28 court order to unseal them. The court should be able to provide an order to unseal the ballots in

1 conjunction with our motion to compel production of documents. The reason our request was
2 delayed was due to our attempt to access the ballot evidence using non-judicial means (i.e. CPRA
3 request).

4 I called the calendar clerk to change the hearing date I originally set for April 5 to a later
5 date to provide enough time for the response to the Request for Production Set One, and got a voice
6 mail suggesting that May 10 was available. However, this date did not get confirmed. Subsequently,
7 April 5 hearing was vacated. The Motion to Compel was submitted assuming the date of May 10. I
8 now understand I can check the status of these hearings on the web site and I apologize for my lack
9 of experience. Now, the new date I have is July 5, after this current election season.

10 It would greatly assist Petitioner if the Motion to Compel Production of Documents could be
11 heard prior to the upcoming election and with enough time so our team can complete our review
12 (which may only take a day or two).

13 Election Code 16003 says that for a contest of this type, “the action or appeal shall have
14 priority over all other civil matters.” It is not necessary to put this before all other matters due to the
15 type of contest but if the court has any time that is convenient in the schedule, it would be
16 appreciated.

17 **b) Ruling to Preserve Evidence:** Petitioner requests a ruling that the ballot evidence under
18 the control of the County shall be preserved per Election Code §17305 until after this contest has
19 run its course. Destruction of the ballots would cause irreparable harm as we would no longer be
20 able to gather evidence required to substantiate the malconduct by San Diego County Registrar,
21 Michael Vu.

22 **3. Name of the opposing parties:** County of San Diego, Timothy Barry (attorney).

23 **4. NOTICE GIVEN:** The opposing parties were notified of the relief request and that the ex
24 parte application would be heard on **May 7, at 1:30 pm** as indicated below:

25 a. **Notice was given** to the Attorney for the Respondent, Timothy Barry.

26 b. **Notification occurred** April 30, 2018, concurrently with filing by One Legal

27 c. **Manner of Notification:** email service by One Legal to Odette Ortega, to

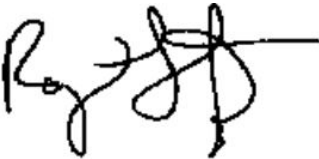
28 odette.ortega@sdcounty.ca.gov.

1 6. Have you appeared ex parte before for the same relief? [X] NO.

2 7. Points & Authorities are included in the Motion to Compel document (attached).

3 **I declare under penalty of perjury under the laws of the state of California that the above**
4 **information and all attachments are true and correct.**

5 **DATED:** May 04, 2018

6 

7
8
9 Raymond Lutz
In Pro Per

10

11

ORDER

12

[] The requested relief is [] DENIED [] GRANTED as follows:

13

[] An expedited hearing on the Petitioner's Motion to Compel Production of Documents in RFP-1
14 has been set for (date) _____ at (time) _____ in Dept _____.

15

[] Petitioner shall file an amended notice of hearing on the Motion to Compel Production of
16 Documents.

16

17

[] The court orders that the County of San Diego must preserve the ballot evidence from the 2016
18 Primary until the conclusion of Case No.: 37-2016-00023347-CU-PT-CTL.

18

19

20

21

22

23

[] Hearing is continued to _____ at _____ [] AM [] PM in dept _____.

24

25

Date: _____
26 _____
Judge/Commissioner of the Superior Court

26

27

28