

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

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,)	MOTIONS TO:
12 HILLARY CLINTON, Democratic Presidential)	STRIKE ANSWER OF COUNTY,
13 Party candidate named as an indispensable party,)	RULE VENUE IN SAN DIEGO COUNTY,
and DOES 1-10)	and ORDER MEET AND CONFER
)	
14 Defendant(s))	
)	
15 MICHAEL VU, Registrar of Voters for the)	Judge: Lisa Schall
16 County of San Diego,)	Dept: C-46
)	Action Filed: 07/11/2016
17 Respondent)	Trial Date: Unassigned
)	

18
19
20 1. I, RAYMOND LUTZ, am an elector in San Diego County, where this contested election
21 was held.

22 2. The names of the defendants in this action include HILLARY CLINTON, Democratic
23 Presidential Primary candidate. Michael Vu, Registrar of Voters for the County of San Diego, is a
24 non-party respondent.

25 3. The focus of this action is the Democratic Presidential Party primary election of 2016, and
26 primarily on the early VBM ballots which we believe may have been improperly processed.

27 4. I filed substitution of attorney forms and am handling the case Pro Per.
28

1 5. A NOTICE OF RELATED CASES and STIPULATION FOR AN ODER to transfer the
2 case from Dept 46 to Dept 73 have been concurrently filed.

3 6. The First Amended Affidavit of the CONTEST was filed and appropriately served on
4 October 26, 2017 to inspect and review Early VBM ballots which the County is required to keep for
5 22 months

6 **I HEREBY MAKE THE FOLLOWING MOTIONS**

7 1. **MOTION TO STRIKE:** I hereby make the motion to strike the “Answer” by the County
8 of San Diego filed and served on November 3, 2017, for the following reasons:

9 2. **LACK OF STANDING.** The County of San Diego is not an aggrieved party, is
10 not accused of any wrong-doing, and therefore has no basis for filing any objection. The County is
11 included in the list of parties only because they must perform ministerial duties under the legal
12 process of the CONTEST.

13 3. **OBJECTIONS ARE OUT OF ORDER** – Election code 16444 states that “No
14 special appearance, demurrer or objection may be taken other than by the affidavits which shall be
15 considered a general appearance in the contest.” Therefore, the “Answer” which is in essence an
16 objection to the validity of the Affidavit of Contest is out of order and the court should strike it.
17 (However, petitioner appreciates the suggestions to improve the affidavit, which must not be
18 dismissed due to want of form, per Election Code 16403.)

19 4. **MOTION FOR RULING THAT THE SUPERIOR COURT OF SAN DIEGO**
20 **COUNTY IS THE APPROPRIATE VENUE** – According to Election Code Section 16461. “The
21 superior court of that county in which is located the precinct in which the contestant demands a
22 recount has jurisdiction.” All of the precincts of interest in our CONTEST are in San Diego County.
23 The County claims that the venue should be in Sacramento County, but that is only appropriate if
24 precincts of interest are in many counties in a statewide contest. That is not the case here.

25 5. **MOTION FOR RULING TO MEET AND CONFER TO DETERMINE**
26 **PROCEDURES** – Petitioner and the San Diego County shall meet and confer to determine
27 procedures, costs, and timeline to conduct the inspection of the ballots per the requirements of the
28 petitioner in the discovery process to confirm the certification of the 2016 Primary election.

1 **6. MOTION THAT BALLOTS BE UNSEALED** – To the extent required by petitioner to
2 conduct the discovery process as allowed by the CONTEST, voted ballots which are currently under
3 seal are to be unsealed, according to procedures determined in the meet and confer process.

4
5 **THIS DOCUMENT IS DATED:** Dec 5, 2017
6

7 **VERIFICATION**

8 I am a party to this action. I declare under penalty of perjury that the matters in this document are
9 true of my own personal knowledge, except those matters alleged on information and belief, and as
10 for those matters, I believe them to be true. Executed on Dec 5, 2017.

11
12 
13
14

15 Raymond Lutz
16 In Pro Per
17
18
19
20
21
22
23
24
25
26
27
28