

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Raymond Lutz, in Pro Per 1010 Old Chase Ave El Cajon, CA 92020</p> <p>TELEPHONE NO.: 619-820-5321 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): raylutz@citizenoversight.org</p> <p>ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">17 DEC 5 PM 4:34</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego</p> <p>STREET ADDRESS: Hall of Justice</p> <p>MAILING ADDRESS: 330 W. Broadway</p> <p>CITY AND ZIP CODE: San Diego, CA 92</p> <p>BRANCH NAME: Central</p>	
<p>PLAINTIFF/PETITIONER: Raymond Lutz</p> <p>DEFENDANT/RESPONDENT: Hillary Clinton / Michael Vu</p>	<p>CASE NUMBER: 37-2016-00023347-CU-PT-CTL</p> <p>JUDICIAL OFFICER: Hon. Lisa Schall</p>
<p>NOTICE OF RELATED CASE</p>	<p>DEPT.: C-46</p>

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **Citizens Oversight, Inc. / Raymond Lutz vs. Michael Vu / County of San Diego "Election Audit"**
 b. Case number: **37-2016-00020273-CL-MC-CTL**
 c. Court: same as above
 other state or federal court (name and address):
 d. Department: **C-73**
 e. Case type: limited civil unlimited civil probate family law other (specify):
 f. Filing date: **6/16/2016**
 g. Has this case been designated or determined as "complex?" Yes No
 h. Relationship of this case to the case referenced above (check all that apply):
 involves the same parties and is based on the same or similar claims.
 arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 involves claims against, title to, possession of, or damages to the same property.
 is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 Additional explanation is attached in attachment 1h
 i. Status of case:
 pending
 dismissed with without prejudice
 disposed of by judgment

2. a. Title: **Citizens Oversight, Inc. / Raymond Lutz vs. Michael Vu / County of San Diego "Ballot Access"**
 b. Case number: **37-2017-00027595-CU-MC-CTL**
 c. Court: same as above
 other state or federal court (name and address):
 d. Department: **C-86**

PLAINTIFF/PETITIONER: Raymond Lutz	CASE NUMBER:
DEFENDANT/RESPONDENT: Hillary Clinton / Michael Vu	37-2016-00023347-CU-PT-CTL

2. (continued)

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date: 07-24-2017

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 2h

i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

3. a. Title:

b. Case number:

c. Court: same as above
 other state or federal court (name and address):

d. Department:

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 3h

i. Status of case:

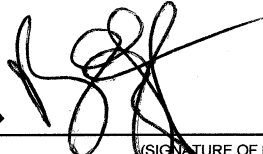
- pending
- dismissed with without prejudice
- disposed of by judgment

4. Additional related cases are described in Attachment 4. Number of pages attached: _____

Date: 11-05-2017

Raymond Lutz

 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)



 (SIGNATURE OF PARTY OR ATTORNEY)

1 NOTICE OF RELATED CASE -- ATTACHMENT 1h

2 Although the County of San Diego may file an opposition to this Notice of Related Case, their objection is
3 without merit. I offer the following proof.

4 On March 20, 2017, I sent a letter to the San Diego County Registrar, Michael Vu, asking questions about
5 the results of the 1% manual tally. My questions were asked per Election Code Section 2300 (9) which
6 states that the election official must answer questions about elections or find someone who can.

7 My questions were about the Early Vote-by-Mail Ballots, which were not in dispute in the
8 "Election Audit" case (Lutz v. Vu 37-2016-00020273-CL-MC-CTL).

9 These are the same issues of concern in the instant case.

10

11 The county refused to answer my questions (Exh 1), citing the "Election Audit" case as the reason
12 (37-2016-00020273-CL-MC-CTL). Thus the County says it is both related and unrelated.

13 These cases are obviously related because they involve the same election. Hon. Joel Wohlfeil
14 heard the case and understands the operation of the election process due to the four-day trial. We believe
15 it would serve to reduce overhead if the instant case were transferred to that department.

16 I will be filing a stipulation and order to that effect concurrently with this notice.

17

18 Also related is the CPRA Ballot Access Case, (37-2017-00027595-CU-MC-CTL) which arose
19 following the refusal of the County mentioned above, and our subsequent request to review the ballots
20 utilizing the CPRA. That case was initially dismissed and is being appealed. I do not see any opportunity
21 to reduce court overhead at this time with that related case.

22 Thank you for your kind assistance.

23 --Raymond Lutz

24 Exhibit 1: County letter dated 4-12-2017 (Page 4)

25

26 *(Required for verified pleading)* The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

27

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 3

EXHIBIT 1



County of San Diego

MICHAEL VU
Registrar of Voters

REGISTRAR OF VOTERS

County Operations Center Campus
5600 Overland Avenue, Suite 100, San Diego, California 92123-1278

Telephone: (858) 565-5800 Toll-free: 1 (800) 696-0136 TDD: (858) 694-3441
Facsimile: (858) 694-2955 Web Address: www.sdvote.com

CYNTHIA L. PAES
Assistant Registrar of Voters

April 12, 2017

Mr. Raymond Lutz
Citizens' Oversight Projects
771 Jamacha Road, #148
El Cajon, CA 92019

Dear Mr. Lutz:

I am in receipt of your March 20, 2017 letter regarding the Registrar of Voters' June 2016 Presidential Primary Election 1% Manual Tally Report. As you know, your challenge to the manner in which our office conducts the 1% Manual Tally (Elections Code 15360) is being litigated in the court of appeal and, as a result, the department will not be providing a response to your inquiry. This should not be construed as if no response can be offered.

Additionally, your reliance on Elections Code §2300(9)(A) and (B) is misplaced. It is clear from the language of Section 2300 that the voter bill of rights was intended to protect voters' rights to participate in an election and to ask questions and observe election day activities. It does not impose a continuing obligation on election officials to respond to inquiries after the conclusion of an election.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Michael Vu", written over a large, stylized flourish.

L. MICHAEL VU
Registrar of Voters

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

17 DEC 5 PM 4:34

4 RAYMOND LUTZ, IN PRO PER

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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,	)	STIPULATION AND ORDER
12 HILLARY CLINTON, Democratic Presidential)	
13 Party candidate named as an indispensible party,)	
and DOES 1-10)	
14 Defendant(s))	
15 MICHAEL VU, Registrar of Voters for the	)	Judge: Lisa Schall
16 County of San Diego,	)	Dept: C-46
17 Respondent	)	Action Filed: 07/11/2016
	)	Trial Date: Unassigned

18
19 **PURSUANT TO THE STIPULATION HEREIN, THE COURT ORDERS,**
20 **ADJUDGES AND DECREES AS FOLLOWS:**
21

22 1. The case shall be transferred to Hon. Joel R. Wohlfeil in Dept 73, based on the advice
23 from court staff due to the upcoming retirement of Hon. Lisa Schall, and the existence of related
24 cases which were recently heard in Dept 73 by Hon. Wohlfeil, as disclosed by the Notice of Related
25 Cases filed concurrently.

26 2. The County of San Diego is a non-defendant respondent who is included in the case due
27 to their duty to fulfill actions related to the contest. They have refused to join in the stipulation.
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APPROVED AS TO FORM AND CONTENT:



Dated: Dec 5, 2017

Contestant, Raymond Lutz

IT IS SO ORDERED:

Dated _____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

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

17 DEC 5 PM 4:34

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

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15 Raymond Lutz
16 In Pro Per

CASE NAME: LUTZ CONTEST OF 2016 PRIMARY	CASE NUMBER: 37-2016-00023347-CU-PT-CTL
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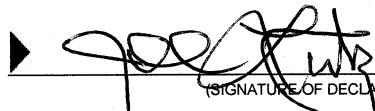
6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
 - d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
 - e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12/05/2017

Jill Lutz

(TYPE OR PRINT NAME OF DECLARANT)


 (SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

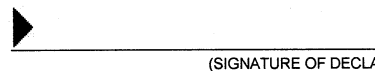
At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (NAME OF DECLARANT)


 (SIGNATURE OF DECLARANT)