

1 Eli Dalton-Webb
2 5009 E. Ironwood Circle
3 Sierra Vista, Arizona 85650
4 email: dw4az@proton.me
5 *Plaintiff*
6

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

8
9 **IN AND FOR THE COUNTY OF MARICOPA**

<p>11 Eli Dalton-Webb, a candidate for Clerk of 12 the Superior Court</p> <p>14 15 Plaintiff</p> <p>17 18 v.</p> <p>19 20 ADRIAN FONTES, in his official 21 capacity as Arizona Secretary of State, 22 MELISSA AVANT, in her official 23 capacity as Officer in Charge of Elections 24 in Cochise County, BILLY CLOUD, in 25 his official capacity as Cochise County 26 Recorder</p> <p>28 29 Defendants,</p>	<p>Case No. CV2026-000232</p> <p>Assigned to: Michael Valenzuela</p> <p>EMERGENCY</p> <p>Motion for Alternative Means of Service</p>
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31 Plaintiff hereby moves this Court to order alternative means of service,
32 pursuant to Arizona Rules of Civil Procedure, Rule 4.1(k). Plaintiff has a tight
33 deadline to get hundreds of signatures by 6 April 2026 (as stated in Plaintiff's
34 "Motion for Expedited Declaratory Judgment; Motion for Expedited Injunction") and
35 every moment that the Arizona Secretary of State denies Plaintiff his right to petition,
36 it causes irreparable harm to Plaintiff.
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44 Plaintiff, on 5 January 2026 attempted to obtain voluntary acceptance of
45 service of process upon the Secretary of State. The Defendant Adrian Fontes' attorney
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1 (Kate Myers) refused to agree to voluntarily accept service. However, Plaintiff
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3 physically handed and Kate Myers physically received a court-clerk-stamped copy of
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5 all of the following: (1) civil cover sheet, (2) certificate of compulsory arbitration, (3)
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7 “Notice to Clerk: E-mail Correspondence”, (4) “Motion for Expedited Declaratory
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9 Judgment; Motion for Expedited Injunction”, (5) Initial Complaint, and (6) summons
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11 for Adrian Fontes. Plaintiff also handed Kate Myers: (1) a written request for
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13 voluntary acceptance of service (and stating that it is within the meaning of Civil
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15 Procedure Rule 4(f)(2)), bearing this civil action’s caption and case number and name
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17 of this Court, and (2) a proposed notice of voluntary acceptance of service which is
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19 ready to be filed with this Court with a blank signature line for the Defendant Adrian
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21 Fontes to sign.
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25 Defendant should be well-aware of this lawsuit and is only using formal
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27 service of process as a means of delaying this civil action. Plaintiff does not have the
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29 financial means to hire a private process server. Plaintiff has, as of 7 January 2026, 89
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31 more days to come up with hundreds of signatures for his candidacy. By requiring
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33 Plaintiff to request voluntary waiver of service, within the meaning of Civil
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35 Procedure Rule 4.1(c) and giving the Defendant 60 more days to respond, it cuts
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37 more than two-thirds of the time remaining for the Plaintiff to gather signatures.
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40 Further, waiving the Plaintiff’s fees for the sheriff to serve these papers would
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42 also cause a prejudicial delay, as the sheriff has no obligation to serve the summons
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44 and complaint of this action in a timely manner.
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1 Therefore, the Plaintiff has shown, as required by Civil Procedure Rule 4.1(k)
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3 “that the means of service provided in Rule 4.1(c) through Rule 4.1(j) are
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5 impracticable”, because formal service is impracticable (because Plaintiff is indigent
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7 and the sheriff has no obligation to serve summonses in a timely manner), and Rule
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9 4.1(k) is impracticable (because 60 days is too long for this urgent matter).
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11 Defendant Adrian Fontes’ attorney, Kate Myers, gave Plaintiff an e-mail
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13 address of kmyers@azsos.gov . Plaintiff wrote down her e-mail address in Kate
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15 Myers’ presence, and Kate Myers confirmed that Plaintiff wrote down the e-mail
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17 address correctly. Plaintiff hereby requests alternative service, within the meaning of
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19 Civil Procedure Rule 4.1(k), to e-mail the complaint and summons to Defendant
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21 Adrian Fontes via e-mail to kmyers@azsos.gov .
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24 Further, this motion is “without notice to the person to be served”, pursuant to
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26 Rule 4.1(k), and need not the consideration of the Defendant being served with this
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28 motion.
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30 Plaintiff requests the order from this Court bear the word “EMERGENCY” in
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32 the caption so that the court clerk can stamp the order immediately and return it back
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34 to the Plaintiff. Plaintiff has had issues in the past from the court clerk taking several
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36 days in processing orders from judges.
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39 Order proposal is attached.
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VERIFICATION

I, Eli Dalton-Webb, have read the foregoing Rule 4.1(k) Motion for Alternative Service and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Submitted respectfully this day, 7 January 2026,

/s/Eli Dalton-Webb

Eli Dalton-Webb, *Plaintiff*

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