

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 <b>Plaintiff</b></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 <b>Defendants,</b></p>	<p>Case No. CV2026-000232</p> <p>Assigned to: Michael Valenzuela</p> <p><b>EMERGENCY</b></p> <p><b>Motion for Alternative Means of Service</b></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 7 January 2026 attempted to obtain voluntary acceptance of  
45 service of process upon Melissa Avant and Billy Cloud. Plaintiff e-mailed Melissa  
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1 Avant and Billy Cloud and their attorney (Dylan Hendel). Plaintiff also called  
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3 Melissa Avant and Billy Cloud’s attorney (Dylan Hendel) on 7 January 2026 to  
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5 confirm whether or not Dylan Hendel received the complaint and documents, and  
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7 Dylan Hendel confirmed that he received the documents and will confer with his  
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9 clients about voluntarily accepting service. In the 7 January 2026 e-mail, Plaintiff  
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11 sent a court-clerk stamped copy of the following: (1) initial Complaint, (2) order to  
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13 appear, (3) “Motion for Expedited Declaratory Judgment; Motion for Expedited  
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15 Injunction”, (4) certificate of compulsory arbitration, and (5) “Notice to Clerk: E-mail  
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17 Correspondence”. Plaintiff also sent, in the e-mail to Melissa Avant, Billy Cloud, and  
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19 Dylan Hendel: (1) a written request for voluntary acceptance of service (and stating  
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21 that it is within the meaning of Civil Procedure Rule 4(f)(2)), bearing this civil  
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23 action’s caption and case number and name of this Court, and (2) a proposed notice  
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25 of voluntary acceptance of service which is ready to be filed with this Court with a  
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27 blank signature line for the Defendants to sign.  
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31 Defendant should be well-aware of this lawsuit. Plaintiff does not have the  
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33 financial means to hire a private process server. Plaintiff has, as of 8 January 2026, 88  
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35 more days to come up with hundreds of signatures for his candidacy. By requiring  
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37 Plaintiff to request voluntary waiver of service, within the meaning of Civil  
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39 Procedure Rule 4.1(c) and giving the Defendant 60 more days to respond, it cuts  
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41 more than two-thirds of the time remaining for the Plaintiff to gather signatures.  
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1 Further, waiving the Plaintiff's fees for the sheriff to serve these papers would  
2 also cause a prejudicial delay, as the sheriff has no obligation to serve the summons  
3 and complaint of this action in a timely manner.  
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7 Therefore, the Plaintiff has shown, as required by Civil Procedure Rule 4.1(k)  
8 "that the means of service provided in Rule 4.1(c) through Rule 4.1(j) are  
9 impracticable", because formal service is impracticable (because Plaintiff is indigent  
10 and the sheriff has no obligation to serve summonses in a timely manner), and Rule  
11 4.1(k) is impracticable (because 60 days is too long for this urgent matter).  
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14 Defendants Melissa Avant and Billy Cloud's attorney's law firm, the Cochise  
15 County Attorney's Office, uses an e-mail address of CVAttyme@cochise.az.gov .  
16 Plaintiff also attaches a copy of a recent notice of appearance about a month ago,  
17 showing CVAttyme@cochise.az.gov is the e-mail address the County Attorney uses  
18 for court documents. Plaintiff hereby requests alternative service, within the meaning  
19 of Civil Procedure Rule 4.1(k), to e-mail the complaint and summons to Defendants  
20 Melissa Avant and Billy Cloud via e-mail to CVAttyme@cochise.az.gov .  
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23 Further, this motion is "without notice to the person to be served", pursuant to  
24 Rule 4.1(k), and need not the consideration of the Defendant being served with this  
25 motion.  
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28 Plaintiff requests the order from this Court bear the word "EMERGENCY" in  
29 the caption so that the court clerk can stamp the order immediately and return it back  
30 to the Plaintiff. Plaintiff has had issues in the past from the court clerk taking several  
31 days in processing orders from judges.  
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Order proposal is attached.

**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, 8 January 2026,

/s/Eli Dalton-Webb

Eli Dalton-Webb, *Plaintiff*

# Exhibit

# A

1 **LORI A. ZUCCO, Cochise County Attorney**

2 **DYLAN HENDEL**

3 Civil Deputy County Attorney

4 State Bar No. 039642

5 P.O. Drawer CA

6 Bisbee, AZ 85603

(520) 432-8700

7 [CVAttymeo@cochise.az.gov](mailto:CVAttymeo@cochise.az.gov)

8 Attorney for Cochise County

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

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

11 ELI DALTON-WEBB, a Cochise County  
12 elector,

13 Plaintiff,

14 vs.

15 MELISSA AVANT, in her official  
16 capacity as Cochise County Elections  
17 Director; THE OFFICER IN CHARGE OF  
18 ELECTIONS IN COCHISE COUNTY,  
19 BILLY; BILLY CLOUD, in his official  
20 capacity as Cochise County Recorder;  
21 COCHISE COUNTY BOARD OF  
22 SUPERVISORS, in their official  
23 capacities; COCHISE COUNTY, a  
24 political subdivision of the State of  
25 Arizona; JOHN DOES I-X; JANE DOES  
I-X; ABC CORPORATIONS I-X, XYZ  
PARTNERSHIPS I-X; UNKNOWN  
ENTITIES I-X,

Defendants.

**CASE NO. CV202500822**

**NOTICE OF SPECIAL  
APPEARANCE AND MOTION TO  
DISMISS FOR INSUFFICIENT  
SERVICE OF PROCESS UNDER  
ARIZ. R. CIV. P. 12(b)(5)**

**Assigned to: Hon. Anne Borowiec  
Division: VI**

Defendants **Melissa Avant**, in her official capacity as Cochise County Elections  
Director, **Billy Cloud**, in his official capacity as Cochise County Recorder, Cochise

