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9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
10 IN AND FOR THE COUNTY OF MARICOPA

11 Citizens Clean Elections Commission,

12 Plaintiff,

13 v.

14 Melody Jennings and John Doe
Defendants 1–10,

15 Defendants.

No. _____

**PLAINTIFF’S *EX PARTE* MOTION
FOR ALTERNATIVE SERVICE**

16 Plaintiff, Citizens Clean Elections Commission (“Clean Elections”), respectfully
17 requests that the Court allow Plaintiff to serve documents on Defendant, Melody
18 Jennings, via email.

19 Based on her social media posts and podcast appearances, Ms. Jennings is an
20 Oklahoma resident. Ms. Jennings is active on the Truth Social platform under the name
21 TrumperMel. On that site, Ms. Jennings also often posts links to her podcast
22 appearances on the Rumble platform. Her appearance on CannCon Overflow published
23 October 31, 2022, mentioned Arizona ballot drop boxes as part of Clean Elections
24 USA’s efforts and asked listeners to contact her with information.¹ She appeared on
25 Steve Bannon’s War Room podcast published November 1 in a five-minute interview
26

27 ¹ [https://rumble.com/v1qsn84-live-with-melody-jennings-aka-trumpermel-to-discuss-
clean-elections-usa.html](https://rumble.com/v1qsn84-live-with-melody-jennings-aka-trumpermel-to-discuss-clean-elections-usa.html) (at 27:27-40 mark referring to Arizona opening “a bunch more
28 boxes yesterday” and soliciting listeners to contact her).

1 dedicated to Arizona activities; the banner beneath Ms. Jennings identified her as
2 “Melody Jennings Clean Elections USA.”²

3 Plaintiff’s counsel Mary O’Grady has communicated with Ms. Jennings via her
4 Clean Elections USA email address, melody@cleanelectionsusa.org. [Decl. Mary
5 O’Grady Support Appl. TRO Inj. Relief.] Ms. Jennings exchanged two emails with
6 Plaintiff’s counsel on October 28 and 29, 2022. Every indication confirms that Ms.
7 Jennings sent and received the messages. On October 29, 2022, at 9:33 a.m.,
8 TrumperMel posted on Truth Social:

9 In a collaborative effort with Arizona Citizens Clean Elections
10 Commission, (another group that is about the rule of law, and educating
11 Arizona folks of their constitutional & inalienable rights as legal citizens)
12 to minimize confusion they seem to experience from the words “Clean
13 Elections” that appears in our national grassroots effort vs their local effort,
14 in Arizona only please refer to any nationwide Clean Elections USA efforts
15 differently. Doesn’t really need a name. Just be an American

16 [<https://truthsocial.com/@TrumperMel/posts/109252523513300592>, copy attached as
17 Ex. 1.] Ms. Jennings (TrumperMel) would not have posted that statement if she had
18 not exchanged emails with Plaintiff’s counsel about this issue.³

19 Plaintiff’s counsel emailed Ms. Jennings on November 1 at 8:02 p.m. and asked
20 if she would provide an address for service and would accept service by email (at least
21 for these accelerated provisional remedy proceedings). Ms. Jennings did not respond.
22 Plaintiff’s counsel also retained a private investigator to try to find a valid address for
23 Ms. Jennings. Unfortunately, he could not find a valid address in Oklahoma for this
24 Melody Jennings in this compressed time frame. The address the private investigator
25 provided was for a different person by the same name who contacted Plaintiff’s counsel
26 to explain the mistake. Because the temporary restraining order/preliminary injunction

26 ² <https://rumble.com/v1qxlju-jennings-bidens-justice-department-likely-to-defy-a-federal-courts-ballot-b.html>. Ms. Jennings posted a link to this podcast on her Truth
27 Social page on November 2, too.

28 ³ There is no “collaborative effort” with Plaintiff.

1 proceedings will move quickly, email is the most practicable and timely method to
2 notify Ms. Jennings of the action.

3 Courts often approve service via email in these time-sensitive situations. *E.g.*,
4 *Fornix Holdings LLC v. Unknown Party*, 2022 WL 1619041, *3 (D. Ariz. May 23,
5 2022) (approving service via email when plaintiff sought TRO to prevent distributing
6 copyrighted work); *Pac. Logistics Corp. v. Pac. Logistics Priority Mail*, 2019 WL
7 12338254, *2 (D. Ariz. Sept. 12, 2019) (approving service by email when defendant
8 received and opened earlier emails to the address). Email service will provide Ms.
9 Jennings with timely notice of the claims and proceedings.

10 **Relief Requested**

11 Plaintiff respectfully asks the Court to enter the accompanying order allowing
12 Plaintiff to serve these documents on Defendant, Melody Jennings, by emailing them
13 to melody@cleanelectionsusa.org: (1) the Verified Complaint, (2) the application for
14 TRO/preliminary injunction, (3) the summons, (4) any TRO or preliminary injunction
15 the Court enters, (5) any order to appear the Court enters, (6) the certificate of
16 arbitrability, and (7) the order authorizing alternative service.

17 DATED this 2nd day of November, 2022.

18 OSBORN MALEDON, P.A.

19 By /s/James D. Smith

20 Mary R. O'Grady

21 James D. Smith

22 Eric M. Fraser

23 Sarah P. Lawson

24 2929 North Central Avenue, Suite 2100

25 Phoenix, Arizona 85012-2793

26 Attorneys for Plaintiff

EXHIBIT 1

← @TrumperMel's post



TrumperMel ✓

@TrumperMel · 4d

In a collaborative effort with Arizona Citizens Clean Elections Commission, (another group that is about the rule of law, and educating Arizona folks of their constitutional & inalienable rights as legal citizens) to minimize confusion they seem to experience from the words "Clean Elections" that appears in our national grassroots effort vs their local effort, in Arizona only please refer to any nationwide Clean Elections USA efforts differently. Doesn't really need a name. Just be an American. 🇺🇸



Jeffrey Pedersen ✓

@intheMatrixxx · 4d

@TrumperMel went on Bannon's War Room today. So grateful that people are going out to vote and make sure YOUR vote counts.

In this together.

@greggphillips @truethevote



↻ 76 ❤️ 185

Oct 29, 2022, 9:33 AM

🗨 Reply

↻ ReTruth

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