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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Manuel de Jesus Ortega Melendres, et al.,)

No. CV-07-2513-PHX-GMS

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Plaintiff,

ORDER

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vs.

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Joseph M. Arpaio, in his individual
capacity as Sheriff of Maricopa County,
Arizona,

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Defendant.

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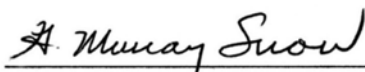
Pending before the Court are Defendants' Motion for Summary Judgment (Doc. 413), Plaintiffs' Renewed Motion for Sanctions, (Doc. 416), Plaintiffs' Renewed Motion for Class Certification (Doc. 420), Plaintiffs' Motion for Partial Summary Judgment (Doc. 421), and Defendants' Motion for Leave to File Sur-Reply. (Doc. 469). A hearing on these motions is scheduled for Thursday, December 22, at 10:00 a.m. This Order supplements the Court's previous order discussing issues are to be the subject of oral argument. (Doc. 477). The parties should be prepared to discuss, or address in their supplemental briefing, the following two issues:

1) Defendants have argued that the class should not be certified in part because it is overbroad. Parties have been asked to discuss whether *Martinez-Medina v. Holder*, ___ F.3d ___, ___ 2011 WL 855791 at *6 (9th Cir. 2001) suggests that Defendants would receive

1 qualified immunity for any Fourth Amendment damages claim prior to the issuance of the
2 decision. Parties are hereby further asked to be prepared to discuss whether civilians stopped
3 after the decision in *Martinez-Medina* would be able to make valid Fourth Amendment
4 claims for damages. If they believe such claims would not be barred by qualified immunity,
5 parties should be prepared to discuss whether certifying a class as to the Fourth Amendment
6 claims would deny those potential Plaintiffs the right to recover such damages.

7 2) Further, parties are asked to address whether, should no Fourth Amendment class
8 be certified, the Court may issue injunctive relief for the Fourth Amendment claims in light
9 of *United States v. Arizona*, 641 F.3d 339 (9th Cir. 2011).

10 Dated this 9th day of December, 2011.

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13 G. Murray Snow
14 United States District Judge
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