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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

)	No. CV-07-2513-PHX-GMS
Manuel de Jesus Ortega Melendres, et)	
al.,)	
Plaintiff(s),)	
)	
v.)	FINAL PRETRIAL ORDER
Joseph M. Arpaio, et al.)	
Defendants(s).)	
)	
)	

The following is the Final Pretrial Order to be used for trial.

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23 **B. STATEMENT OF JURISDICTION.**

24 1. Jurisdiction in this case arises from Plaintiffs' claim of a violation of their
25 constitutional rights pursuant to 42 U.S.C. § 1983. There is jurisdiction under 28 U.S.C.
26 § 1331 and 1343. This Court has jurisdiction over the state law claims pursuant to 28
27 U.S.C. § 1367. This Court has authority to grant declaratory and injunctive relief
28 pursuant to 28 U.S.C. § 1343, 2201 and 2202, and to award attorneys' fees under 42
U.S.C. § 1988b.

2. The parties do not dispute jurisdiction.

C. STIPULATIONS AND UNCONTESTED FACTS AND LAW

1 1. The following material facts are admitted by the parties and require no
2 proof, although each party intends to supplement these facts with additional facts to be
3 proven at trial:
4

5 1. The Maricopa County Sheriff's Office ("MCSO") is a local law enforcement
6 agency that serves Maricopa County.

7 2. Maricopa County occupies an area of approximately 9,200 square miles.

8 3. Maricopa County is divided into six geographical areas, referred to as Districts:
9 District 1, District 2, District 3, District 4, District 6, and District 7.
10

11 4. District 1 covers the southeast quadrant of the county, including the cities of
12 Chandler, Gilbert, Mesa, and Tempe, the Town of Guadalupe, and portions of the Town
13 of Queen Creek, and the cities of Apache Junction, Scottsdale, and Phoenix, including
14 the Ahwatukee Foothills.
15

16 5. District 2 covers the southwest quadrant of the county, including the rural areas of
17 Buckeye, Laveen, Mobile, Rainbow Valley, and Tonopah, the contract cities of Gila
18 Bend and Litchfield Park, and portions of Avondale, Glendale, Goodyear, and Phoenix.
19

20 6. District 3 covers the northwest quadrant of the county, including the areas of Sun
21 City and Sun City West, the communities of Wittmann, Waddell, Circle City,
22 Morristown, Whispering Ranch, Aguila, Gladden, and the unincorporated neighborhoods
23 surrounding Peoria, Surprise, and Wickenburg.
24

25 7. District 4 includes unincorporated areas of Anthem, Desert Foothills, New River,
26 Cave Creek, Carefree and Tonto Hills and the contract Towns of Cave Creek and
27 Carefree.
28

1 8. As of 2008, District 6 includes the Town of Queen Creek.

2 9. District 7 includes the town of Fountain Hills and the unincorporated areas of
3 Fountain Hills, Tonto Verde and Rio Verde.

4 10. Districts are generally staffed by a District Commander (Captain), Deputy
5 Commander (Lieutenant), uniformed sergeants and patrol deputies, detectives, and
6 administrative staff.

7 11. The MCSO has concurrent jurisdiction with some cities.

8 12. The MCSO is also responsible for patrolling the lakes and waterways in the
9 recreational areas within the county. The Lake Patrol Division is responsible for law
10 enforcement services in the recreational areas of Tonto National Forest and Lake
11 Pleasant Regional Park.

12 13. The Trails Division has the responsibility for law enforcement services in the
13 recreational and wilderness areas of the Maricopa County Parks.

14 14. The Aviation Division provides airborne law enforcement support to uniformed
15 patrol, Lake Patrol, Search and Rescue operations, narcotics enforcement, extraditions
16 and SWAT operations.

17 15. The MCSO also has a K9 unit, which includes approximately 25 canines with
18 various specialties, including narcotics, explosive ordinance, cadaver, and patrol.

19 16. The MCSO has over 3500 employees, consisting of secretarial staff, detention
20 officers, and deputy sheriffs.

21 17. The MCSO has over 800 deputies.

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1 18. Sheriff Joseph Arpaio serves as the head of the MCSO and has final authority
2 over all of the agency's decisions.

3
4 19. Sheriff Arpaio sets the overall direction and policy for the MCSO.

5 20. Sheriff Arpaio presides directly over a staff of some 15 to 20 members.

6 21. Deputy Chief David Hendershott was Arpaio's second-in-command until April of
7 2011.

8 22. As Deputy Chief, Hendershott was responsible for supervising all of the MCSO's
9 operations, both on the enforcement and detention sides.

10
11 23. Chief Brian Sands is Chief of Enforcement and, until April of 2011, reported
12 directly to Deputy Chief Hendershott.

13 24. Paul Chagolla is a Deputy Chief of the MCSO.

14
15 25. The enforcement command comprises two bureaus—patrol and patrol resources.

16 26. The patrol bureau handles standard patrol operations for the entire MCSO.

17 27. When the Arizona legislature passed the state's human smuggling law in 2005, it
18 provided the MCSO with \$1.6 million in funding for enforcement efforts.

19
20 28. The MCSO created a specialized unit to enforce the human smuggling law. This
21 unit was initially called the "Triple I Unit," which stood for illegal immigration
22 interdiction, and eventually became the Human Smuggling Unit ("HSU").

23 29. The HSU is also a division within the patrol resources bureau.

24 30. The commander of the patrol resources bureau is Deputy Chief David Trombi.

25
26 31. Chief David Trombi reports to Chief Brian Sands

1 32. Starting in September of 2007, Lieutenant Joseph Sousa has been the unit
2 commander for the HSU. Prior to Lieutenant Sousa, Lieutenant Siemens was in charge
3 of the HSU.
4

5 33. Lieutenant Sousa reports to Chief Trombi.

6 34. In June of 2007, Sergeant Manuel Joseph Madrid became a Supervisor, along
7 with Ryan Baranyos, of the HSU.
8

9 35. Sergeant Brett Palmer is also a Sergeant in the HSU.

10 36. Sergeant Madrid supervises six deputies in the HSU, including Deputies Ramon
11 Charley Armendariz, Gabriel Doster, Rock Lopez, Alex Ortega and Ralphaelita
12 Montoya.
13

14 37. Sergeant Palmer supervises deputies in the HSU as well, including Deputies
15 Carlos Rangel, Jesus Cosme, Victor Navarrette, David Joya, Chris Lopez and Brent
16 Komoroski.

17 38. Sergeant Palmer and Sergeant Madrid also co-supervise each other's personnel.
18

19 39. Sergeant Palmer and Sergeant Madrid report to Lieutenant Sousa.

20 40. In 2007, the MCSO secured an agreement with U.S. Immigration and Customs
21 Enforcement to cross-certify its field personnel to enforce the federal immigration laws
22 under the Immigration and Nationality Act § 287(g), 8 U.S.C. §1357(g).
23

24 41. Around 2007, the MCSO began conducting operations known as "saturation
25 patrols" or "crime suppression operations."

26 42. During the time that the MCSO possessed authority under 287(g) to enforce
27 federal immigration law, such enforcement also fell into the HSU's ambit.
28

1 43. Starting in 2007, 160 MCSO deputies underwent the requisite training and
2 received 287(g) authority.

3
4 44. The HSU grew steadily in size from April 2006, when it consisted of two
5 deputies, through September of 2007, when it consisted of two sergeants, twelve
6 deputies, and four detention officers, under the leadership of a lieutenant.

7 45. Since 2007, the commander of the HSU has been Lieutenant Joseph Sousa. In
8 this capacity, Lieutenant Sousa has three direct reports: two sergeants and an acting
9 sergeant.
10

11 46. The HSU takes part in saturation patrols, working alongside ordinary deputies as
12 well as posse members.

13 47. Lieutenant Sousa has estimated the average manpower involved in saturation
14 patrols as ranging between 80 to 100.
15

16 48. According to some MCSO press releases, some saturation patrols have involved
17 as many as 200 participants.

18 49. Chief Sands is responsible for planning saturation patrol operations, including
19 site-selection.
20

21 50. In making decisions regarding site-selection for saturation patrols, Chief Sands,
22 among other things, consults as needed with subordinate commanders, including the
23 heads of enforcement support, the HSU, and the SWAT unit.
24

25 51. On October 16, 2009, MCSO's 287(g) agreement with ICE was modified so that
26 deputies no longer had authority to enforce federal immigration laws outside of the jail
27 context.
28

1 52. The launch of saturation patrols and creation of the HSU cost MCSO significant
2 resources.

3
4 53. In a news Release dated July 20, 2007, Sheriff Arpaio said, of the MCSO, “We
5 are quickly becoming a full-fledged anti-illegal immigration agency.”

6 54. Sheriff Arpaio also stated in the July 20, 2007 News Release that “We have heard
7 the people speak, we understand their frustration and will continue to do all that we can
8 to reduce the number of illegal aliens making their way into the United States and
9 Maricopa County.”

10
11 55. Sheriff Arpaio has an immigration file, a file devoted to the issue of immigration,
12 where he keeps letters from his constituents and press clippings regarding immigration.

13
14 56. Sheriff Arpaio decides, personally, what goes into his immigration file.

15 57. Sheriff Arpaio has also circulated certain of the letters he has received from
16 constituents regarding immigration to Chief Sands and others within the MCSO
17 leadership.

18
19 58. In its News Releases, the MCSO has referred to the saturation patrols as “crime
20 suppression/illegal immigration details.”

21 59. In advance of large saturation patrols, HSU prepares and distributes a planning
22 document titled, “Operations Plan,” “Overall Operations Summary,” or “Incident Action
23 Plan.”

24
25 60. The planning document typically designates a command post for the operation.
26
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28

1 61. The MCSO has conducted at least 13 large saturation patrols in which officers
2 from different divisions participate. It has also conducted some smaller saturation patrols
3 consisting primarily of HSU units.
4

5 62. HSU gives the briefing and collects the officer stat sheets at the end of each
6 saturation patrol.

7 63. The MCSO conducted a saturation patrol on September 27, 2007 in Cave Creek.

8 64. The MCSO conducted a saturation patrol on October 4, 2007 in Queen Creek.

9 65. The MCSO conducted a saturation patrol on November 14, 2007 in Cave Creek.

10 66. The MCSO conducted a large-scale saturation patrol on January 18-19, 2008,
11 covering 16th to 40th Streets / Indian School to McDowell Roads in Phoenix.
12

13 67. The MCSO conducted a large-scale saturation patrol on March 21-22, 2008,
14 covering 16th to 40th Streets / Indian School to McDowell Roads in Phoenix.
15

16 68. The MCSO conducted a large-scale saturation patrol on March 27-28, 2008, in
17 the area around Cave Creek and Bell Roads in Phoenix.

18 69. The MCSO conducted a large-scale saturation patrol on April 3-4, 2008 in the
19 Guadalupe, Arizona.
20

21 70. The MCSO conducted a saturation patrol on May 6-7, 2008 in the town of
22 Fountain Hills.

23 71. The MCSO conducted a large-scale saturation patrol on June 26-27, 2008, in
24 Mesa, Arizona.
25

26 72. The MCSO conducted a large-scale saturation patrol on July 14, 2008, in Mesa,
27 Arizona.
28

1 73. The MCSO conducted a large-scale saturation patrol on August 13–14, 2008, in
2 Sun City and Sun City West.

3 74. The MCSO conducted a large-scale saturation patrol on January 9–10, 2009, in
4 the Southwest Valley.
5

6 75. The MCSO conducted a large-scale saturation patrol on April 23-24, 2009, in
7 Avondale and the Southwest Valley.

8 76. The MCSO conducted a large-scale saturation patrol on July 23-24, 2009,
9 Chandler and the Southeast Valley.
10

11 77. The MCSO conducted a large-scale saturation patrol on September 5-6, 2009, in
12 the area around 35th Avenue and Lower Buckeye Road in Phoenix.

13 78. The MCSO conducted a large-scale saturation patrol on October 16-17, 2009, in
14 Surprise and the Northwest Valley.
15

16 79. The MCSO conducted a county-wide large-scale saturation patrol on November
17 16-17, 2009.

18 80. On or about August 13 & 14, 2008, the MCSO conducted a saturation patrol in
19 Sun City.
20

21 81. On June 26-27, 2008 and July 14, 2008, MCSO conducted large-scale saturation
22 patrols in Mesa.

23 82. Deputy DiPietro, Deputy Rangel, Chief Sands and Lieutenant Sousa believe that
24 most day laborers in Maricopa County are Latino or Hispanic.
25

26 83. Sheriff Arpaio and Chief Sands both acknowledge that being a day laborer is not
27 a crime.
28

1 84. Chief Sands stated that he could not think of an instance in which the MCSO
2 arrested a day laborer who was not Hispanic.

3
4 85. During saturation patrols, MCSO officers have conducted many stops for minor
5 violations of the traffic code, including minor equipment violations. This departs from
6 MCSO's traffic stop enforcement priorities during regular patrol.

7 86. Deputy Rangel testified that it is possible to develop probable cause to stop just
8 about any vehicle after following it for about two minutes.

9
10 87. MCSO officers do not receive regular or periodic training on racial profiling or
11 sensitivity.

12 88. The MCSO does not have any system by which supervisors can analyze the race
13 and ethnicity of persons stopped or contacted by its officers.

14
15 89. MCSO deputies are not required to record all encounters or "contacts" made
16 during a shift, particularly with respect to those encounters that do not result in a citation
17 or arrest.

18
19 90. Sergeant Madrid is typically at the command post during saturation patrol
20 operations and is not present at traffic stops.

21 91. Chief Sands, Chief Deputy Hendershott and Lieutenant Sousa each testified that
22 they were not aware of MCSO ever having disciplined an officer for racial profiling.

23 92. Plaintiff Manuel de Jesus Ortega Melendres is a citizen of Mexico.

24
25 93. Mr. Melendres legally entered the United States and visited Maricopa County as a
26 tourist from September 6, 2007 to at least September 27, 2007.

27
28

1 94. On September 27, 2007, the MCSO Human Smuggling Unit (“HSU”) was in
2 Cave Creek, Arizona investigating a particular church building/parking lot in response to
3 citizen complaints.
4

5 95. HSU conducted surveillance on a particular church and its property and looked
6 for probable cause to stop only those vehicles that were observed to have picked up
7 people appearing to be “day laborers” at the church property and that had left the
8 property.
9

10 96. Prior to the September 27, 2007 operation, the MCSO had sent undercover
11 officers to the Good Shepherd of the Hills Church.

12 97. During the MCSO’s saturation patrol in Cave Creek on September 27, 2007,
13 Manuel de Jesus Ortega Melendres was riding as a passenger in a vehicle pulled over by
14 Deputy Louis DiPietro.
15

16 98. Mr. Melendres testified that, on that same date, he wanted to travel to an
17 unknown location in Scottsdale to take photographs, that he needed a ride there, and that
18 a friend named “Jorge Morales” from Mexico offered to arrange for an unknown person
19 in a white colored pickup truck to give him the ride.
20

21 99. Mr. Melendres sat in the right front seat of the white colored truck, an unknown
22 Caucasian person drove the truck, and Mr. Morales and another unknown person sat in
23 the second row in the extended cab pick-up truck and drove on Cave Creek Road.
24

25 100. Mr. Melendres and the other persons were picked up by the driver of the white
26 colored truck at the church that was under surveillance.
27

1 101. When a surveillance unit observed the white truck stop at the church and pick up
2 Mr. Melendres and three other men, MCSO Deputy Louis DiPietro was assigned to
3 follow the truck (in which Mr. Melendres was a passenger) and to look for probable
4 cause to make a traffic stop of the truck.
5

6 102. Deputy DiPietro testified that he followed the truck for roughly 1.5 miles and
7 observed no equipment violations on the truck and, therefore, “paced” the truck and
8 determined it was speeding (34 mph in a 25 mph zone) and that he believed he had
9 probable cause to stop the truck for a violation of the traffic code.
10

11 103. Deputy DiPietro followed the vehicle that Mr. Ortega Melendres was riding in for
12 about one-and-a-half miles before pulling it over for speeding.
13

14 104. Deputy DiPietro was, at the time, a 287(g) certified officer.

15 105. Deputy DiPietro did not cite the Caucasian driver for speeding or question him
16 further but gave him a verbal warning.

17 106. Deputy DiPietro testified that he called on his radio for a 287(g) MCSO deputy to
18 come investigate the truck occupants.
19

20 107. MCSO Deputy Carlos Rangel testified that he arrived at the traffic stop within
21 one minute of receiving the call for a 287(g) deputy.

22 108. Deputy Rangel was then a 287(g) certified officer.

23 109. Deputy DiPietro told Deputy Rangel that the passengers in the truck did not speak
24 English and asked if he would talk to the passengers.
25

26 110. Deputy Rangel asked the passengers for identification.
27
28

1 111. The 2007 Memorandum of Agreement between the MCSO and the United States
2 Immigration and Customs Enforcement (“ICE”) provides that a 287(g) deputy has “the
3 power and authority to interrogate any alien or person believed to be an alien as to his
4 right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1))...
5 [and] [t]he power to arrest without warrant any alien entering or attempting to
6 unlawfully enter the United States, or any alien in the United States, if the officer has
7 reason to believe the alien to be arrested is in the United States in violation of law and is
8 likely to escape before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. §
9 287(c)(2).”

10 112. Deputy Rangel, as a 287(g) officer, testified that he looked for what he believed
11 to be ICE approved indicators of unlawful presence in the United States such as the
12 questioned person providing him with a foreign identification card, not having any
13 identification documents issued from anywhere in the United States, and the inability to
14 speak the English language.

15 113. Deputy Rangel questioned Mr. Melendres.

16 114. Deputy Rangel then instructed the truck’s passengers, including Mr. Melendres,
17 to exit the truck.

18 115. Deputy Rangel began to try to determine whether the passengers were in the
19 United States legally.

20 116. Deputy Rangel detained Mr. Melendres with handcuffs and directed that he be
21 delivered to ICE for handling and/or verification of status.

22 117. All of the truck’s passengers were detained.

1 118. The passengers/detainees were taken to an MCSO substation and held for roughly
2 two hours, and then the MCSO transported them to ICE's Detention and Removal Office
3 near Central Avenue and McDowell Road where Mr. Melendres waited in federal
4 detention for six to seven hours for federal officials.
5

6 119. ICE released Mr. Melendres from detention.

7 120. An ICE agent told Deputy Rangel that ICE released Mr. Melendres because they
8 did not find any evidence that Mr. Melendres was working during his visit to the United
9 States, and that he had a valid I-94 Form
10

11 121. In 2007, Deputy Matthew Ratcliffe was a four-year veteran of the MCSO.

12 122. In 2007 Deputy Ratcliffe worked in the MCSO Lake Patrol Division. The Lake
13 Patrol Division is responsible for policing the recreational areas within Maricopa County
14 and the Tonto National Forest.
15

16 123. Lake Patrol deputies conduct traffic-related patrol duties near the recreational
17 areas, perform searches and rescues and dive missions in the lakes and rivers, and
18 conduct ATV patrols.
19

20 124. On Sunday, December 2, 2007, the Maricopa County Department of
21 Transportation ("MCDOT"), in order to protect the public's safety, closed the Bartlett
22 Dam Road, the road to Bartlett Lake, because storm damage had caused heavy flooding
23 on it, washed away parts of the road, and left debris on the road.
24

25 125. There was a "Road Closed" sign posted by the MCDOT indicating that the road
26 ahead was closed.

27 126. Deputy Ratcliffe was on regular patrol that day in a marked MCSO SUV
28

1 127. Neither Deputy Ratcliffe nor anyone from the MCSO conducted a saturation
2 patrol on that date.

3
4 128. In the early afternoon, Deputy Ratcliffe observed a dark colored truck driving
5 toward his parked position on the closed Bartlett Dam Road and then observed that it
6 made a “U-turn” as it approached him and another MCSO officer.

7 129. While the Rodriguez’s were turning around, MCSO deputy Matthew Ratcliffe
8 stopped them for driving on a closed road.

9
10 130. Before deciding to conduct the traffic stop, Deputy Ratcliffe did not see the race
11 of the truck’s driver or of any of the truck’s occupants.

12 Plaintiff David Rodriguez was driving the truck, his wife, Jessika, was sitting in the front
13 right passenger seat, and the Rodriguez’ children were seated in the truck’s back row.

14
15 131. Deputy Ratcliffe asked Mr. Rodriguez for his license, registration, insurance, and
16 Social Security number.

17 132. Deputy Ratcliffe testified that he also asked Mr. Rodriguez for his Social Security
18 number so he could complete the MCSO citation form, which includes a space for
19 recording such information.

20
21 133. The traffic citation form also has a block called “Military Status” but Deputy
22 Ratcliffe did not insist on this information. Other officers do complete this information.

23
24 134. After obtaining Mr. Rodriguez’ identification, Deputy Ratcliffe asked Mr.
25 Rodriguez why he was driving his truck on the closed Bartlett Dam Road.

26 135. Mr. Rodriguez stated that he had been off-roading and was taking the kids down
27 to the lake, and had not seen the sign.

1 136. Mr. and Mrs. Rodriguez asked Deputy Ratcliffe why he asked for David's Social
2 Security number.

3
4 137. Around the same time as the Rodriguez stop, Deputy Multz also stopped other
5 drivers who were on the same stretch of road.

6 138. Deputy Ratcliffe testified that he told them the social security number was for
7 identification purposes only and to fill in the blanks on the MCSO citation form.

8
9 139. Deputy Ratcliffe then issued a citation to Mr. Rodriguez for failure to obey a
10 traffic control device (i.e., the "Road Closed" sign).

11 140. Upon receipt of the citation, Mr. Rodriguez asked Deputy Ratcliffe what possible
12 effect such a citation would have on his commercial driver's license, and either Mr. or
13 Mrs. Rodriguez then told Deputy Ratcliff that he/she did not see any other drivers on the
14 closed road receiving citations.

15
16 141. Deputy Ratcliffe responded by telling Mr. and Mrs. Rodriguez that he was only
17 dealing with them and not dealing with other drivers at that time

18
19 142. Then Mrs. Rodriguez said she felt that Deputy Ratcliffe was engaging in
20 "selective enforcement" in issuing the traffic citation to her husband.

21 143. After completing the traffic stop, Deputy Ratcliffe drove behind the Rodriguez'
22 truck as it left the area for roughly two to three miles.

23
24 144. Deputy Ratcliffe wanted to take photographs of the "Road Closed" sign and the
25 "Road Closed Ahead" signs for later defense in court.

26 145. Mr. Rodriguez later pled responsible to the citation.

1 146. The MCSO conducted an internal investigation into the Rodriguez stop. MCSO
2 supervisors reviewed what happened and took no issue with the way that Deputy
3 Ratcliffe exercised his discretion.
4

5 147. Deputy Ramon Armendariz is a member of the MCSO HSU and was 287(g)
6 certified in 2008.

7 148. Deputy Armendariz' first language is Spanish and he is fluent in speaking that
8 language.
9

10 149. On March 28, 2008, the MCSO was conducting a saturation patrol in north
11 Phoenix.

12 150. Deputy Armendariz worked the saturation patrol in the capacity of a patrol officer
13 and his role was to conduct traffic stops and write citations.
14

15 151. Around 2:00 p.m. on March 28, 2008, Deputy Armendariz made a traffic stop of a
16 car on North Cave Creek Road and that car pulled into a convenience mart/gas station
17 located at the southwest corner of North Cave Creek Road and East Nesbit Road.

18 152. Deputy Armendariz was in the course of conducting a traffic stop and had two
19 Hispanic individuals detained at the gas station.
20

21 153. Deputy Armendariz parked his patrol car behind the stopped car.

22 154. The stopped car contained two men, and Deputy Armendariz conducted a radio
23 check on them.
24

25 155. Following his radio check, Deputy Armendariz eventually took the driver into
26 custody.
27

1 156. Deputy Armendariz arrested the car's driver for driving with a suspended license,
2 placed him in handcuffs, and sat him inside his MCSO patrol car.

3
4 157. For security reasons, Deputy Armendariz also placed handcuffs on the car's
5 passenger and had the passenger sit down on the front bumper of the MCSO patrol car.

6 158. At that moment a dark colored vehicle pulled into the convenience mart/gas
7 station.

8 159. Deputy Armendariz also called for backup.

9
10 160. After the vehicle left the convenience mart/gas station and was out of Deputy
11 Armendariz' sight, other MCSO deputies arrived on scene in response to his radio call
12 for assistance.

13 161. Deputy Armendariz identified the vehicle to MCSO motorcycle Deputy Michael
14 Kikes and then, according to Deputy Kikes, pointed him in the general direction of the
15 departed vehicle.

16
17 162. Deputy Beeks, in a patrol car, followed Deputy Kikes.

18 163. Deputy Armendariz returned to the work of safely handling his arrestees.

19
20 164. Deputy Kikes quickly spotted the dark colored vehicle driving on North Cave
21 Creek Road and activated his motorcycle's lights and siren.

22 165. Deputy Kikes brought Mr. Nieto to the rear of the vehicle, handcuffed, and ran
23 his identification. He found no problems.

24
25 166. MCSO's Computer Aided Dispatch (CAD) database records information from
26 calls by MCSO officers to central dispatch made during MCSO traffic stops.

27
28

1 167. The “Incident History” for each traffic stop in the CAD database contains
2 information about the traffic stop, including the date, time, duration, location,
3 disposition, and primary officer conducting the traffic stop.
4

5 168. The CAD database contains information on MCSO officers’ checks of names,
6 dates of birth, licenses, registrations and warrants that are called into dispatch during the
7 traffic stop.
8

9 169. MCSO officers have indicated it is “standard practice” to call traffic stops they
10 initiate into dispatch.

11 170. Prior to stopping a vehicle, MCSO deputies typically call into dispatch and run
12 the license plate. Dispatch typically responds with information including the registered
13 owner of the vehicle.
14

15 171. MCSO “Sign-in Rosters” contain a list of officers who participated on each day
16 of the saturation patrol.

17 172. MCSO saturation patrol “Arrest Lists” contain information about each of the
18 arrests made on a saturation patrol, including the arresting deputy.
19

20 173. The MCSO receives federal funding, including in the form of pass-through
21 grants.

22 174. The MCSO receives federal financial assistance.
23

24 **2. Pursuant to the Court’s Order, the following inferences will be**
25 **allowed based on this Court’s December 23, 2011 order:**
26
27
28

1 a. The finder of fact may infer that the stat sheets would have
2 suggested that officers involved in special operations did not follow a “zero tolerance”
3 policy requiring them to stop all traffic offenders.
4

5 b. The finder of fact may infer that the stat sheets for special
6 operations would have included a significantly higher number of arrests in the categories
7 “Illegal Alien turned over to ICE/LEAR” and/or “Suspected Illegal Alien arrested on
8 state charges” than records documenting ordinary patrol activity.
9

10 c. The finder of fact may infer that MCSO maintained a file of citizen
11 complaints making requests for special operations.

12 d. The finder of fact may infer that MCSO received and circulated
13 citizen complaints prior to August 31, 2008 requesting that MCSO officers conduct
14 special operations to enforce immigration-related law in areas where MCSO later
15 conducted such operations.
16

17 e. The finder of fact may infer that at least some of the citizen
18 communications described above complained about “Mexicans,” “day laborers,” or
19 “illegal immigrants” but did not provide a description of any criminal activity.
20

21 **3. The following issues of law are uncontested and stipulated to by the**
22 **parties:**

23 a. The MCSO acts Under Color of Law. Actions taken by the MCSO
24 with regarding to traffic stops and saturation patrols are taken under the color of a
25 statute, ordinance, regulation, custom, or usage, of a State, pursuant to 42 U.S.C. § 1983.
26 Actions taken by Sheriff Arpaio in his role as Sheriff of the MCSO are also taken under
27

1 the color of a statute, ordinance, regulation, custom, or usage, of a State, pursuant to 42
2 U.S.C. § 1983.

3
4 b. Arpaio is a final decision maker under Arizona State Law. Sheriff
5 Joseph Arpaio is the final decision maker for Maricopa County, under Arizona state law,
6 in the area of law enforcement, and is responsible for setting and implementing the
7 policies and practices of the MCSO, including but not limited to creating and regulating
8 department policies regarding the stops and arrests and related treatment of individuals
9 in motor vehicles in Maricopa County.
10

11 c. Race cannot be considered as a factor for reasonable suspicion.
12 Under Ninth Circuit law, the race of an individual cannot be considered when
13 determining whether an officer has or had reasonable suspicion in connection with a
14 *Terry* stop, including for immigration investigations. *See, e.g., Montero-Camargo*, 208
15 F.3d 1122 (9th Cir. 2000).
16

17 d. Pursuant to federal law, during Mr. Melendres' visit to Maricopa
18 County he was required to keep with him at all times his B-1/B-2 tourist visa and an I-94
19 Form (that allowed him to travel more than 25 miles north of the U.S. border with
20 Mexico).
21

22 e. A local law enforcement officer certified under the federal
23 government's 287(g) program may lawfully question and briefly detain a foreign
24 national who is unable to produce a visa and/or I-94 Form in order to determine his entry
25 status.
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1 f. Local law enforcement personnel who are trained and certified
2 pursuant to ICE’s 287(g) program are expressly authorized to investigate and enforce
3 federal immigration law, to stop and interrogate any person “believed” to be an alien, as
4 that term is used in 8 U.S.C. § 1357(a)(1), as to his/her right to be or remain in the
5 United States, and to make warrantless arrests if (1) the officer has probable cause to
6 believe that the alien is in the United States in violation of law; and (2) is likely to escape
7 before a warrant can be obtained..
8

9
10 g. A person visiting the United States with a tourist visa is not lawfully
11 permitted to work for compensation or otherwise have employment.

12 h. If an ICE agent or a 287(g) certified law enforcement officer
13 discovers that a foreign national visiting the United States on a tourist visa is working
14 while visiting as a tourist, that foreign national is considered in violation of his or her
15 visa status and may be arrested without warrant if he or she is likely to escape before a
16 warrant can be obtained.
17

18 i. A 287(g)-certified officer has authority to question persons
19 “believed” to be aliens, as that term is used in 8 U.S.C. § 1357(a)(1), to determine
20 whether they were lawfully present in the United States pursuant to 8 U.S.C. § 1357; 8
21 C.F.R. § 287.5, et seq.
22

23 j. Pursuant to the 2007 Memorandum of Agreement between the
24 MCSO and ICE, a 287(g) deputy had the power and authority to interrogate any alien or
25 person believed to be an alien, as that term is used in 8 U.S.C. § 1357(a)(1), as to his
26 right to be or remain in the United States and the power to arrest without warrant any
27
28

1 alien entering or attempting to unlawfully enter the United States, or any alien in the
2 United States, if the officer has reason to believe the alien to be arrested is in the United
3 States in violation of law and is likely to escape before a warrant can be obtained.
4

5 **D. CONTESTED ISSUES OF FACT AND LAW**

6 **1. The following are the material issues of fact to be tried and decided:**

7 **Issue #1:** Whether MCSO acted with discriminatory intent.

8 Plaintiffs' Position:

9
10 Plaintiffs contend that race has been a motivating factor in MCSO's operations.
11 Sheriff Arpaio made numerous statements expressing racial animus towards Hispanics.
12 He launched his immigration enforcement policies in response to public hostility
13 towards the Hispanic community, and calls from Sheriff Arpaio's constituents to target
14 the Hispanic individuals prompted saturation patrols. Moreover, MCSO officers
15 regularly circulated inappropriate emails mocking persons of Hispanic descent using
16 their county email accounts. MCSO also departs from normal law enforcement practice
17 in ways indicative of discriminatory intent on traffic stops in its efforts to find and arrest
18 undocumented immigrants. MCSO does not have an agency-wide written policy
19 concerning racial profiling, nor does it offer any in-house training on racial profiling.
20 And statistical evidence of the discriminatory impact of MCSO operations (summarized
21 below) provides further proof of its intent to racially profile Hispanics.
22
23

24 Defendants' Position:

25
26 Defendants do not act , and have not acted, with discriminatory intent.
27
28

1 **Issue #2:** Whether MCSO operations have had a discriminatory effect on
2 Hispanics.

3 Plaintiffs' Position:

4 Plaintiffs contend that MCSO operations have had a severe discriminatory effect.
5 Statistical evidence reveals three main findings. First, MCSO officers were more likely
6 to stop Hispanics on saturation patrol days as compared to other days. This finding is
7 very robust. Compared to all other days, Hispanics were 26% to 29.9% more likely to be
8 stopped. Compared to dates one week before and after a saturation patrol, Hispanics
9 were 28.8% to 34.8% more likely to be stopped. And compared to dates one year before
10 a saturation patrol day, Hispanics were 36.2% to 39.5% more likely to be stopped.
11 Second, MCSO officers actively working on a saturation patrol were much more likely
12 to stop Hispanics than other MCSO officers. Those MCSO officers were 34.1 to 40%
13 more likely to stop Hispanics as compared to officers never involved in saturation patrol
14 operations. Third, stops involving a Hispanic individual were significantly longer than
15 other stops. All else equal, stops involving at least Hispanic surname were 21% to 25%
16 longer than stops in which no Hispanic name was checked.
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21 Providing further evidence of discriminatory effect are testimony by plaintiffs and
22 other declarants. For example, when MCSO officers stopped the vehicle in which Mr.
23 Ortega-Melendres was traveling, the officers detained Mr. Ortega-Melendres for further
24 investigation into his immigration status while the Caucasian driver was released without
25 a citation. When MCSO officers stopped David and Jessika Rodriguez for driving on a
26 road with a "Road Closed" sign, they let other drivers on the same stretch of road pass
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28

1 through without being stopped. Additionally, other class members, including those
2 whom have submitted declarations and are prepared to testify at trial, have had similar
3 encounters with the MCSO in which they were treated differently than non-Hispanic
4 individuals.
5

6 Defendants' Position:

7 MCSO saturation patrol operations have not had a discriminatory effect on
8 Hispanics.
9

10
11 **Issue #3:** Whether there is an MCSO pattern, practice, or policy of racial
12 profiling.

13 Plaintiffs' Position:

14
15 Plaintiffs contend that MCSO indeed has had a practice and policy of racial
16 profiling. As discussed above, the MCSO leadership, including final policymaker Sheriff
17 Arpaio, have made statements equating illegal immigration with Hispanics and/or
18 sanctioning the targeting of Hispanic persons in immigration enforcement operations.
19 Further, MCSO personnel, including supervisors, have regularly circulated racially
20 insensitive emails, the MCSO has targeted Hispanics and Hispanic day laborers in their
21 immigration operations, and the MCSO has carried out saturation patrols in response to
22 citizen requests for racial profiling. The regularity and endorsement of these incidents by
23 MCSO leadership demonstrates that they have become a pattern and practice of the
24 MCSO. Moreover, and as discussed above, MCSO lacked any written policy, oversight
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1 or in-house training concerning racial profiling. This lack of policies to combat racial
2 profiling provides further evidence that a pattern and practice of racial profiling existed.

3
4 Defendants' Position:

5 The MCSO does not have, and did not have, a pattern, practice or policy of racial
6 profiling.

7
8 **Issue # 4:** Whether Defendants engage in a policy, pattern, or practice that has
9 had a discriminatory intent regarding Latinos in motor vehicles in Maricopa County.

10
11 Plaintiffs' Position:

12 Plaintiffs contend that, for at least the reasons discussed with respect to issues #1
13 and #3 above, Defendants engage in a policy, pattern, or practice that has had a
14 discriminatory intent regarding Latinos in motor vehicles in Maricopa County
15

16 Defendants' Position:

17 Defendants do not engage in a policy, pattern, or practice that had a
18 discriminatory intent regarding Latinos in motor vehicles in Maricopa County.
19

20
21 **Issue # 5:** Whether Defendants engage in a policy, pattern, or practice that has
22 had a discriminatory effect on Latinos in motor vehicles in Maricopa County

23
24 Plaintiffs' Position:

25 Plaintiffs contend that, for at least the reasons discussed with respect to issues #2
26 and #3 above, Defendants engage in a policy, pattern, or practice that has had a
27 discriminatory intent regarding Latinos in motor vehicles in Maricopa County
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Defendants' Position:

Defendants do not engage in a policy, pattern, or practice that had a discriminatory effect on Latinos in motor vehicles in Maricopa County.

Issue # 6: Whether the vehicle in which Mr. Melendres was a passenger was stopped for probable cause.

Plaintiffs' Position:

Plaintiffs contend that the vehicle in which Mr. Melendres was a passenger was at most stopped for pretextual probable cause. Plaintiffs further contend that there is no evidence beyond Deputy DiPietro's self-serving statement to establish that the vehicle was actually traveling above the posted speed limit.

Defendants' Position:

Defendants contend that Deputy DiPietro lawfully stopped the vehicle in which Mr. Melendres was a passenger for probable cause.

Issue # 7: Whether Deputy Louis DiPietro had racially discriminatory intent or motive in stopping or detaining Mr. Melendres on September 26, 2007 in violation of his Fourteenth Amendment rights.

Plaintiffs' Position:

Plaintiffs contend that Deputy Louis DiPietro had racially discriminatory intent or motive in stopping or detaining Mr. Melendres on September 26, 2007 in violation of his Fourteenth Amendment rights. Plaintiffs further contend that even if Deputy DiPietro

1 himself did not have racially discriminatory intent or motive in stopping or detaining Mr.
2 Melendres on September 26, 2007, the traffic stop was incident to a policy, pattern or
3 practice established by the MCSO with discriminatory intent or motive.
4

5 Defendants' Position:

6 Defendants contend that Deputy Louis DiPietro had no racially discriminatory
7 intent or motive, and that there was no MCSO policy, pattern or practice that had
8 discriminatory intent or motive.
9

10
11 **Issue # 8:** Whether Deputy Carlos Rangel had racially discriminatory intent or
12 motive in questioning Mr. Melendres on September 26, 2007 in violation of his
13 Fourteenth Amendment rights.
14

15 Plaintiffs' Position:

16 Plaintiffs contend that Deputy Carlos Rangel had racially discriminatory intent or
17 motive in questioning Mr. Melendres on September 26, 2007 in violation of his
18 Fourteenth Amendment rights. Plaintiffs further contend that even if Deputy Rangel
19 himself did not have racially discriminatory intent or motive in questioning Mr. Melendres
20 on September 26, 2007, the traffic stop and questioning were incident to a policy, pattern
21 or practice established by the MCSO with discriminatory intent or motive.
22

23 Defendants' Position:

24 Defendants contend that Deputy Carlos Rangel had no racially discriminatory
25 intent or motive, and that there was no MCSO policy, pattern or practice that had
26 discriminatory intent or motive.
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Issue #9: Whether Deputy DiPietro had sufficient information prior to calling for an HSU deputy to come check the status of the passengers in a vehicle in which he encountered Mr. Ortega-Melendres suggesting that Mr. Ortega-Melendres was not in country legally.

Plaintiffs' Position:

Plaintiffs contend that the driver did not give Deputy DiPietro any such information, nor did Deputy DiPietro have any such information before he initiated the stop. After stopping the driver for speeding, Deputy DiPietro gave the driver a verbal warning and did not question him further. Deputy DiPietro took notes of the stop but destroyed them. He did not create any other record of the stop. Further, while Defendants may contend that Deputy DiPietro had reasonable suspicion to believe that Mr. Ortega-Melendres was not in the country legally based on the fact that Deputy DiPietro believed him to be a Hispanic day laborer based on the circumstances of the stop, Plaintiffs contend that, even if true, the fact that an individual is Hispanic and seeking work as a day laborer is not a sufficient basis for a reasonable suspicion that the individual is not in the country legally.

Defendants' Position:

Deputy DiPietro had reasonable suspicion that either Arizona or federal immigration law (believed at the time that unlawful presence was a crime) was being violated by Mr. Melendres.

1 **Issue # 10:** Whether Mr. Melendres was racially profiled on September 26, 2007
2 in violation of his Fourteenth Amendment rights.

3 Plaintiffs' Position:

4 Plaintiffs contend that Mr. Melendres was racially profiled.
5

6 Defendants' Position:

7 Defendants contend that Mr. Melendres was not racially profiled.
8
9

10 **Issue #11:** Whether Mr. Ortega-Melendres provided documentation verifying his
11 status to Deputy Rangel.

12 Plaintiffs' Position:

13 Plaintiffs contend that Mr. Ortega-Melendres provided both a valid I-94 Form and
14 a tourist visa form to the MCSO officer who questioned him. Plaintiffs further contend
15 that Mr. Ortega-Melendres no longer has the I-94 Form from the relevant time period
16 because he was required to surrender it.
17

18 Defendants' Position:

19 While Mr. Melendres claims he gave his I-94 Form to the deputy that questioned
20 him at the time of the stop, he has never produced a copy of the I-94 Form that he
21 supposedly had on September 26, 2007. The only I-94 Form Mr. Melendres produced in
22 the litigation does not include or cover the date of his September 26, 2007 stop and
23 detention. Mr. Melendres also did not provide the deputy with his tourist visa claiming
24 it was at the place he was staying.
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1 **Issue # 12:** Whether Deputy Matthew Ratcliffe had racially discriminatory intent
2 or motive in stopping Mr. and Mrs. Rodriquez on December 2, 2007 in violation of their
3 Fourteenth Amendment rights.
4

5 Plaintiffs' Position:

6 Plaintiffs contend that Deputy Matthew Ratcliffe had racially discriminatory
7 intent or motive in stopping Mr. and Mrs. Rodriquez on December 2, 2007 in violation
8 of their Fourteenth Amendment rights. Plaintiffs further contend that even if Deputy
9 Ratcliffe himself did not have racially discriminatory intent or motive in stopping Mr.
10 and Mrs. Rodriquez on December 2, 2007, the traffic stop and questioning were incident
11 to a policy, pattern or practice established by the MCSO with discriminatory intent or
12 motive.
13
14

15 Defendants' Position:

16 Defendants contend that Deputy Matthew Ratcliffe had no racially discriminatory
17 intent or motive in stopping Mr. and Mrs. Rodriquez, and that there was no MCSO
18 policy, pattern or practice that had discriminatory intent or motive.
19
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21 **Issue # 13:** Whether Deputy Matthew Ratcliffe had racially discriminatory intent
22 or motive in questioning Mr. Rodriquez on December 2, 2007 in violation of his
23 Fourteenth Amendment rights.
24

25 Plaintiffs' Position:

26 Plaintiffs contend that Deputy Matthew Ratcliffe had racially discriminatory
27 intent or motive in questioning Mr. and Mrs. Rodriquez on December 2, 2007 in
28

1 violation of their Fourteenth Amendment rights. Plaintiffs further contend that even if
2 Deputy Ratcliffe himself did not have racially discriminatory intent or motive in
3 questioning Mr. and Mrs. Rodriguez on December 2, 2007, the traffic stop and
4 questioning were incident to a policy, pattern or practice established by the MCSO with
5 discriminatory intent or motive.
6

7 Defendants' Position:

8 Defendants contend that Deputy Matthew Ratcliffe had no racially discriminatory intent
9 or motive in questioning Mr. and Mrs. Rodriguez, and that there was no MCSO policy,
10 pattern or practice that had discriminatory intent or motive.
11

12
13 **Issue # 14:** Whether Mr. and Mrs. Rodriguez were racially profiled on
14 December 2, 2007 in violation of their Fourteenth Amendment rights.
15

16 Plaintiffs' Position:

17 Plaintiffs contend that Mr. and Mrs. Rodriguez were racially profiled on
18 December 2, 2007 in violation of their Fourteenth Amendment rights.
19

20 Defendants' Position:

21 Defendants contend that Mr. and Mrs. Rodriguez were not racially profiled.
22

23 **Issue # 15:** Whether Deputy Ratcliffe asked Plaintiff Mr. Rodriguez for his
24 Social Security card.
25

26 Plaintiffs' Position:
27
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1 Plaintiffs contend that Deputy Ratcliffe did ask Mr. Rodriguez for his Social
2 Security card.

3
4 Defendants' Position:

5 Deputy Ratcliffe did not ask Mr. Rodriguez for his Social Security card.
6

7 **Issue # 16:** Whether there were factors supporting reasonable suspicion or
8 probable cause to stop the Meraz-Nieto vehicle.
9

10 Plaintiffs' Position:

11 Plaintiffs contend that the factors did not support reasonable suspicion or
12 probable cause. Deputy Armendariz says he gave Deputy Kikes a description of the
13 vehicle and its occupants, but he did not give a reason to stop Ms. Meraz and Mr. Nieto.
14 Deputy Kikes remembers only seeing Deputy Armendariz waving in the direction of the
15 vehicle driven by Mr. Nieto. As Deputy Beeks arrived, he could see that Deputy
16 Armendariz was unharmed. Deputy Armendariz signaled to Deputy Beeks where the
17 vehicle had gone. Deputy Armendariz later relayed to Deputy Beeks that Ms. Meraz and
18 Mr. Nieto had committed "no crime" and that there was "no probable cause" to arrest."
19
20

21 Defendants' Position:

22 Defendants contend that Deputy Kikes stopped the Meraz-Nieto vehicle based on
23 reasonable suspicion, and that reasonable suspicion existed under the circumstances and
24 for officer safety to detain Mr. Nieto and handcuff him.
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1 **Issue #17:** Whether there was sufficient justification for MCSO to remove Mr.
2 Nieto from the car and handcuff him.

3 Plaintiffs' Position:
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5 Plaintiffs contend that the MCSO officers lacked probable cause to forcibly
6 remove Mr. Nieto from the car at gunpoint and handcuff him. At the time Mr. Nieto was
7 being removed from the car, family members came out of the auto shop and informed
8 the deputies that they were U.S. citizens. Deputy Kikes then handcuffed Nieto, ran his
9 identification, and found no problems. To the extent that the MCSO argues that Deputy
10 Kikes only needed reasonable suspicion because the removal from the car and the
11 handcuffing of Nieto were done in connection with a *Terry* stop, Plaintiffs contend that,
12 in the alternative: 1) Deputy Kikes did not have reasonable suspicion sufficient to justify
13 the forceful removing of Mr. Nieto from the car or the handcuffing of Mr. Nieto and/or
14 2) the actions of removing Mr. Nieto from the car and handcuffing him went beyond a
15 *Terry* stop and did require Deputy Kikes to have probable cause.
16
17

18 Defendants' Position:
19

20 Reasonable suspicion existed under the circumstances and for officer safety to remove n
21 Mr. Nieto from his vehicle and handcuff him.
22

23 **Issue # 18:** Whether Plaintiffs Nieto and Meraz said and acted in the manner
24 described by MCSO Deputy Armendariz.
25

26 Plaintiffs' Position:
27

1 Plaintiffs contend that Plaintiffs Nieto and Meraz did not act in the manner
2 described by MCSO Deputy Armendariz.

3
4 Defendants' Position:

5 Defendants contend that, according to Deputy Armendariz, the female passenger
6 of the Meraz-Nieto vehicle (i.e., Ms. Meraz) started yelling repeatedly in Spanish
7 various direction out her window at Deputy Armendariz' detainee sitting on the bumper
8 of the patrol car; he ordered Meraz and Nieto to leave his location; Mr. Nieto refused to
9 leave his vicinity and to stay out of the way; Ms. Meraz yelled several times that 'we're
10 not going anywhere!"; Meraz and Nieto still would not leave; Ms. Meraz started yelling
11 at Deputy Armendariz "fucking Sheriff Joe, fucking Nazi," and "you guys don't have a
12 right to do this;" and Mr. Nieto tried to exist his vehicle despite the deputy's instruction
13 to leave.
14
15

16
17 **Issue # 19:** Whether Deputy Michael Kikes, Ramon Armendariz, and Douglas
18 Beeks had racially discriminatory intent or motive in stopping Mr. Nieto and Ms. Meraz
19 on March 28, 2008 in violation of their Fourteenth Amendment rights.
20

21 Plaintiffs' Position:

22 Plaintiffs contend that Deputy Michael Kikes, Ramon Armendariz, and Douglas
23 Beeks had racially discriminatory intent or motive in stopping Mr. Nieto and Ms. Meraz
24 on March 28, 2008 in violation of their Fourteenth Amendment rights. Plaintiffs further
25 contend that even if Deputy Michael Kikes, Ramon Armendariz, and Douglas Beeks
26 themselves did not have racially discriminatory intent or motive in in stopping Mr. Nieto
27
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1 and Ms. Meraz on March 28, 2008, the traffic stop and questioning were incident to a
2 policy, pattern or practice established by the MCSO with discriminatory intent or
3 motive.
4

5 Defendants' Position:

6 Defendants contend that Deputy Michael Kikes, Ramon Armendariz, and
7 Douglas Beeks had no racially discriminatory intent or motive in stopping Mr. Nieto and
8 Ms. Meraz, and that there was no MCSO policy, pattern or practice that had
9 discriminatory intent or motive.
10

11
12 **Issue # 20:** Whether Mr. Nieto and Ms. Meraz were racially profiled on March
13 28, 2008 in violation of their Fourteenth Amendment rights.
14

15 Plaintiffs' Position:

16 Plaintiffs contend that Mr. Nieto and Ms. Meraz were racially profiled on March
17 28, 2008 in violation of their Fourteenth Amendment rights.
18

19 Defendants' Position:

20 Defendants contend that Mr. Nieto and Ms. Meraz were not racially profiled.
21

22 **Issue # 21:** Whether Defendants' deputies consider race or ethnicity when
23 deciding to make a traffic stop of vehicles on roadways in Maricopa County.
24

25 Plaintiffs' Position:
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1 Plaintiffs contend that the MCSO and its deputies do consider race or ethnicity
2 when deciding to make a traffic stop of at least certain vehicles on roadways in Maricopa
3 County.
4

5 Defendants' Position:

6 Defendants contend that they do not consider race or ethnicity when deciding to
7 make a traffic stop.
8

9
10 **Issue # 22:** Whether Defendants, via Chief Brian Sands, consider race or ethnicity
11 when choosing to conduct saturation patrols or special operations and/or where to
12 conduct them.
13

14 Plaintiffs' Position:

15 Plaintiffs contend that Defendants, via Chief Brian Sands, as well as others,
16 consider race or ethnicity when choosing to conduct saturation patrols or special
17 operations and/or where to conduct them.
18

19 Defendants' Position:

20 Defendants contend that they do not consider race or ethnicity when choosing
21 where to conduct saturation patrols or special operations.
22

23
24 **Issue # 23:** Whether Defendants, via Chief Brian Sands, allow citizen
25 communications, that refer to racial characteristics rather than reports of crime, to serve
26 as a motivating factor to conduct saturation patrols or special operations in a particular
27 location.
28

1 Plaintiffs' Position:

2 Plaintiffs contend that Defendants, via Chief Brian Sands, as well as others, allow
3 citizen communications, that refer to racial characteristics rather than reports of crime, to
4 serve as a motivating factor to conduct saturation patrols or special operations in a
5 particular location.
6

7 Defendants' Position:

8 Defendants contend that they do not allow citizen communications, that discuss
9 the race or ethnicity of persons but do not address crime, to serve as a motivating factor
10 to conduct saturation patrols or special operations in a particular location.
11

12
13 **Issue # 24:** Whether Deputy Sloup had reasonable suspicion or probable cause to
14 detain Jerry Cosio and request his identification and/or social security number on July
15 23, 2009.
16

17 Plaintiffs' Position:

18 Plaintiffs contend that Deputy Sloup did not have reasonable suspicion or
19 probable cause to detain Jerry Cosio and request his identification and/or social security
20 number on July 23, 2009.
21

22 Defendants' Position:

23 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
24 all aspects regarding Jerry Cosio.
25
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1 Plaintiffs' Position:

2 Plaintiffs contend that the MCSO, and/or its officers, did not have reasonable
3 suspicion or probable cause to arrest Julio or Julian Mora with zip ties on February 11,
4 2009.
5

6 Defendants' Position:

7 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
8 all aspects regarding the Moras.
9

10
11 **Issue # 29:** Whether Julio and Julian Mora were racially profiled on February 11,
12 2009 in violation of their Fourteenth Amendment rights.
13

14 Plaintiffs' Position:

15 Plaintiffs contend that Julio and Julian Mora were racially profiled on February
16 11, 2009 in violation of their Fourteenth Amendment rights.
17

18 Defendants' Position:

19 This incident is irrelevant to the issues in this case. The MCSO did not racially
20 profile regarding the Moras.
21

22 **Issue # 30:** Whether Officer Gamboa had reasonable suspicion or probable cause
23 to stop the vehicle occupied by Lorena Escamilla on September 2, 2009.
24

25 Plaintiffs' Position:

26 Plaintiffs contend that Officer Gamboa did not have reasonable suspicion or
27 probable cause to stop the vehicle occupied by Lorena Escamilla on September 2, 2009.
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Defendants' Position:

This incident is irrelevant to the issues in this case. The MCSO acted lawfully in all aspects regarding Lorena Escamilla.

Issue # 31: Whether Officer Gamboa had reasonable suspicion or probable cause to search Lorena Escamilla's vehicle on September 2, 2009.

Plaintiffs' Position:

Plaintiffs contend that Officer Gamboa did not have reasonable suspicion or probable cause to search Lorena Escamilla's vehicle on September 2, 2009.

Defendants' Position:

This incident is irrelevant to the issues in this case. The MCSO acted lawfully in all aspects regarding Lorena Escamilla.

Issue # 32: Whether Officer Gamboa used excessive force with respect to Lorena Escamilla on September 2, 2009.

Plaintiffs' Position:

Plaintiffs contend that Officer Gamboa used excessive force with respect to Lorena Escamilla on September 2, 2009.

Defendants' Position:

This incident is irrelevant to the issues in this case. The MCSO acted lawfully in all aspects regarding Lorena Escamilla.

1 Plaintiffs contend that the Deputy Russell did not have reasonable suspicion or
2 probable cause to request identification from Mr. Magos' wife during the traffic stop that
3 occurred on December 4, 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding the Magos.
8

9
10 **Issue # 36:** Whether Deputy Russell had reasonable suspicion or probable cause
11 to conduct a pat-down search of Mr. Magos during the traffic stop that occurred on
12 December 4, 2009.
13

14 Plaintiffs' Position:

15 Plaintiffs contend that Deputy Russell did not have reasonable suspicion or
16 probable cause to conduct a pat-down search of Mr. Magos during the traffic stop that
17 occurred on December 4, 2009.
18

19 Defendants' Position:

20 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
21 all aspects regarding the Magos.
22

23 **Issue # 37:** Whether Mr. Magos and/or his wife were racially profiled on
24 December 4, 2009 in violation of their Fourteenth Amendment rights.
25

26 Plaintiffs' Position:
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1 Plaintiffs contend that Mr. Magos and his wife were racially profiled on
2 December 4, 2009 in violation of their Fourteenth Amendment rights.

3
4 Defendants' Position:

5 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
6 all aspects regarding the Magos.

7
8 **Issue # 38:** Whether the MCSO, and/or its officer(s), had reasonable suspicion or
9 probable cause to stop the vehicle occupied by Adolfo Maldonado on March 22, 2008.

10
11 Plaintiffs' Position:

12 Plaintiffs contend that the MCSO and its officers did not have reasonable
13 suspicion or probable cause to stop the vehicle occupied by Adolfo Maldonado on
14 March 22, 2008.

15
16 Defendants' Position:

17 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
18 all aspects regarding Adolfo Maldonado.

19
20 **Issue # 39:** Whether Deputy Ruehle had reasonable suspicion or probable cause
21 to stop the vehicle occupied by Adolfo Maldonado on July 14, 2008.

22
23 Plaintiffs' Position:

24 Plaintiffs content Deputy Ruehle did not reasonable suspicion or probable cause
25 to stop the vehicle occupied by Adolfo Maldonado on July 14, 2008.

26
27 Defendants' Position:

1 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
2 all aspects regarding Adolfo Maldonado.

3
4
5 **Issue # 40:** Whether Adolfo Maldonado was racially profiled on March 22, 2008
6 in violation of their Fourteenth Amendment rights.

7 Plaintiffs' Position:

8 Plaintiffs contend that Adolfo Maldonado was racially profiled on March 22,
9 2008 in violation of their Fourteenth Amendment rights.

10 Defendants' Position:

11 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
12 all aspects regarding Adolfo Maldonado.
13
14

15
16 **Issue # 41:** Whether Adolfo Maldonado was racially profiled on July 14, 2008 in
17 violation of his Fourteenth Amendment rights.

18 Plaintiffs' Position:

19 Plaintiffs contend that Adolfo Maldonado was racially profiled on July 14, 2008
20 in violation of his Fourteenth Amendment rights.

21 Defendants' Position:

22 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
23 all aspects regarding Adolfo Maldonado.
24
25
26
27
28

1 **Issue # 42:** Whether Deputy Templeton had reasonable suspicion or probable
2 cause to stop the vehicle occupied by Sergio Villaman on June 27, 2008.

3 Plaintiffs' Position:
4

5 Plaintiffs contend that Deputy Templeton did not have reasonable suspicion or
6 probable cause to stop the vehicle occupied by Sergio Villaman on June 27, 2008.

7 Defendants' Position:
8

9 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
10 all aspects regarding Sergio Villaman.

11
12 **Issue # 44:** Whether Deputy Templeton had probable cause to arrest Sergio
13 Villaman during the traffic stop that occurred on June 27, 2008.

14 Plaintiffs' Position:
15

16 Plaintiffs contend that Deputy Templeton did not have probable cause to arrest
17 Sergio Villaman during the traffic stop that occurred on June 27, 2008.

18 Defendants' Position:
19

20 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
21 all aspects regarding Sergio Villaman.

22
23 **Issue # 45:** Whether Sergio Villaman was racially profiled on June 27, 2008 in
24 violation of his Fourteenth Amendment rights.

25 Plaintiffs' Position:
26
27
28

1 Plaintiffs contend that Sergio Villaman was racially profiled on June 27, 2008 in
2 violation of his Fourteenth Amendment rights.

3
4 Defendants' Position:

5 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
6 all aspects regarding Sergio Villaman.

7
8 **Issue # 46:** Whether the MCSO, and/or its officers, had reasonable suspicion or
9 probable cause to stop the vehicle occupied by Lino Garcia on each of four occasions
10 between June and August of 2009.

11
12 Plaintiffs' Position:

13 Plaintiffs contend the MCSO and its officers did not have reasonable suspicion or
14 probable cause to stop the vehicle occupied by Lino Garcia on each of four occasions
15 between June and August of 2009.

16
17 Defendants' Position:

18 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
19 all aspects regarding Lino Garcia.

20
21 **Issue # 47:** Whether the MCSO, and/or its officers, had reasonable suspicion or
22 probable cause to stop and/or detain Lino Garcia on each of four occasions between June
23 and August of 2009.

24
25 Plaintiffs' Position:

1 Plaintiffs contend the MCSO and its officers did not have reasonable suspicion or
2 probable cause to stop and/or detain Lino Garcia on each of four occasions between June
3 and August of 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Lino Garcia.
8

9
10 **Issue # 48:** Whether the MCSO, and/or its officers, had reasonable suspicion or probable
11 cause to ask for multiple forms of identification from Lino Garcia and/or his girlfriend
12 on each of four occasions between June and August of 2009.
13

14 Plaintiffs' Position:

15 Plaintiffs contend the MCSO and its officers did not have reasonable suspicion or
16 probable cause to ask for multiple forms of identification from Lino Garcia and/or his
17 girlfriend on each of four occasions between June and August of 2009.
18

19 Defendants' Position:

20 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
21 all aspects regarding Lino Garcia.
22

23
24 **Issue # 49:** Whether Lino Garcia was racially profiled in connection with any one
25 of four traffic stops that occurred between June and August of 2009 in violation of his
26 Fourteenth Amendment rights.

27 Plaintiffs' Position:

1 Plaintiffs contend that Lino Garcia was racially profiled in connection with each
2 of the four traffic stops that occurred between June and August of 2009 in violation of
3 his Fourteenth Amendment rights.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Lino Garcia.
8

9
10 **Issue # 50:** Whether the MCSO, and/or its officers, had reasonable suspicion or
11 probable cause to stop the vehicle occupied by David Vasquez on June 26, 2008.

12 Plaintiffs' Position:

13 Plaintiffs contend the MCSO and its officers did not have reasonable suspicion or
14 probable cause to stop the vehicle occupied by David Vasquez on June 26, 2008.
15

16 Defendants' Position:

17 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
18 all aspects regarding David Vasquez.
19

20
21 **Issue # 51:** Whether David Vasquez and/or his girlfriend were racially profiled on
22 June 26, 2008 in violation of their Fourteenth Amendment rights.

23 Plaintiffs' Position:

24 Plaintiffs contend that David Vasquez and his girlfriend were racially profiled on
25 June 26, 2008 in violation of their Fourteenth Amendment rights.
26

27 Defendants' Position:

1 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
2 all aspects regarding David Vasquez and his unnamed girlfriend.
3

4
5 **Issue # 52:** Whether Andrew Sanchez was racially profiled on April 3, 2008 in
6 violation of his Fourteenth Amendment rights.

7 Plaintiffs' Position:

8 Plaintiffs contend that Andrew Sanchez was racially profiled on April 3, 2008 in
9 violation of his Fourteenth Amendment rights.
10

11 Defendants' Position:

12 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
13 all aspects regarding Andrew Sanchez.
14

15
16 **Issue # 53:** Whether the MCSO and its officers had reasonable suspicion or
17 probable cause to detain Elaine Sanchez on May 28, 2008.

18 Plaintiffs' Position:

19 Plaintiffs contend that the MCSO, and/or its officer, did not have reasonable
20 suspicion or probable cause to detain Elaine Sanchez on May 28, 2008.
21

22 Defendants' Position:

23 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
24 all aspects regarding Elaine Sanchez.
25
26
27
28

1 Plaintiffs contend that the MCSO and its officers did not have reasonable
2 suspicion or probable cause to stop the vehicle occupied by Garrett Smith on October 16,
3 2009.

4
5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Garret Smith.

8
9
10 **Issue # 57:** Whether Garrett Smith and/or any of the members of his family were
11 racially profiled on October 16, 2009 in violation of their Fourteenth Amendment rights.

12 Plaintiffs' Position:

13 Plaintiffs contend that Garrett Smith and/or any of the members of his family
14 were racially profiled on October 16, 2009 in violation of their Fourteenth Amendment
15 rights.

16
17 Defendants' Position:

18 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
19 all aspects regarding Garret Smith and/or his family.

20
21
22 **Issue # 58:** Whether the MCSO, and/or its officers, had reasonable suspicion or
23 probable cause to stop the vehicle occupied by Diona Solis and Jaime Florez Sanchez on
24 March 8, 2009.

25
26 Plaintiffs' Position:

1 Plaintiffs contend that the MCSO and its officers did not have reasonable
2 suspicion or probable cause to stop the vehicle occupied by Diona Solis and Jaime
3 Florez Sanchez on March 8, 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Diona Solis and Jaime Florez.
8

9
10 **Issue # 59:** Whether the MCSO, and/or its officers, had reasonable suspicion or
11 probable cause to question Jaime Florez Sanchez regarding his citizenship on March 8,
12 2009.

13 Plaintiffs' Position:

14 Plaintiffs contend that the MCSO and its officers did not have reasonable
15 suspicion or probable cause to question Jaime Florez Sanchez regarding his citizenship
16 on March 8, 2009.
17

18 Defendants' Position:

19 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
20 all aspects regarding Diona Solis and Jaime Florez.
21

22
23 **Issue # 60:** Whether the MCSO, and/or its officers, had reasonable suspicion or
24 probable cause to ask for identification from the children in the vehicle occupied by
25 Diona Solis and Jaime Florez Sanchez on March 8, 2009.
26

27 Plaintiffs' Position:

1 Plaintiffs contend that the MCSO and its officers did not have reasonable
2 suspicion or probable cause to ask for identification from the children in the vehicle
3 occupied by Diona Solis and Jaime Florez Sanchez on March 8, 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Diona Solis and Jaime Florez and the children.
8

9
10 **Issue # 61:** Whether Diona Solis, Jaime Florez Sanchez and/or any of the children
11 in the vehicle were racially profiled on March 8, 2009 in violation of their Fourteenth
12 Amendment rights.

13 Plaintiffs' Position:

14 Plaintiffs contend that Diona Solis, Jaime Florez Sanchez and the children in the
15 vehicle were racially profiled on March 8, 2009 in violation of their Fourteenth
16 Amendment rights.
17

18 Defendants' Position:

19 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
20 all aspects regarding Diona Solis and Jaime Florez and the children.
21

22
23 **Issue # 62:** Whether the MCSO, and/or its officer, had reasonable suspicion or
24 probable cause to stop the vehicle occupied by Jorge Urteaga on January 9, 2009.

25 Plaintiffs' Position:

1 Plaintiffs contend that the MCSO and its officers did not have reasonable
2 suspicion or probable cause to stop the vehicle occupied by Jorge Urteaga on January 9,
3 2009.

4
5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Jorge Urteaga.

8
9
10 **Issue # 63:** Whether the MCSO, and/or its officer, had reasonable suspicion or
11 probable cause to question Jorge Urteaga regarding his citizenship on January 9, 2009.

12 Plaintiffs' Position:

13 Plaintiffs contend that the MCSO and its officers did not have reasonable
14 suspicion or probable cause to question Jorge Urteaga regarding his citizenship on
15 January 9, 2009

16
17 Defendants' Position:

18 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
19 all aspects regarding Jorge Urteaga.

20
21
22 **Issue # 64:** Whether Jorge Urteaga was racially profiled on January 9, 2009 in
23 violation of his Fourteenth Amendment rights.

24 Plaintiffs' Position:

25 Plaintiffs contend that Jorge Urteaga was racially profiled on January 9, 2009 in
26 violation of his Fourteenth Amendment rights.

1 **Issue # 67:** Whether Deputy Thompson and/or the MCSO had reasonable
2 suspicion or probable cause to detain Leopoldo Arteaga on May 12, 2009.

3 Plaintiffs' Position:
4

5 Plaintiffs contend that Deputy Thompson and the MCSO did not have reasonable
6 suspicion or probable cause to detain Leopoldo Arteaga on May 12, 2009.

7 Defendants' Position:
8

9 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
10 all aspects regarding Leopoldo Arteaga.

11
12 **Issue # 68:** Whether Leopoldo Arteaga was racially profiled on May 12, 2009 in
13 violation of his Fourteenth Amendment rights.

14 Plaintiffs' Position:
15

16 Plaintiffs contend that Leopoldo Arteaga was racially profiled on May 12, 2009 in
17 violation of his Fourteenth Amendment rights.

18 Defendants' Position:
19

20 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
21 all aspects regarding Leopoldo Arteaga.

22
23 **Issue # 69:** Whether Deputy Sedlacek had reasonable suspicion or probable cause
24 to stop the vehicle occupied by Anabel Avitia and Carlos Guerra Monge on either of two
25 occasions in October of 2009.

26 Plaintiffs' Position:
27

28

1 Plaintiffs contend that Deputy Sedlacek did not have reasonable suspicion or
2 probable cause to stop the vehicle occupied by Anabel Avitia and Carlos Guerra Monge
3 on either of two occasions in October of 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Anabel Avitia and Carlos Guerra Monge.
8

9
10 **Issue # 70:** Whether Deputy Sedlacek had reasonable suspicion or probable cause
11 to question Guerra Monge with respect to his citizenship on October 16, 2009.

12 Plaintiffs' Position:

13 Plaintiffs contend that Deputy Sedlacek did not have reasonable suspicion or
14 probable cause to question Guerra Monge with respect to his citizenship on October 16,
15 2009.
16

17 Defendants' Position:

18 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
19 all aspects regarding Carlos Guerra Monge.
20

21
22 **Issue # 71:** Whether Deputy Sedlacek and/or the MCSO had reasonable suspicion
23 or probable cause to detain Guerra Monge on October 16, 2009.

24 Plaintiffs' Position:

25 Plaintiffs contend that Deputy Sedlacek and the MCSO did not have reasonable
26 suspicion or probable cause to detain Guerra Monge on October 16, 2009.
27

1 **Issue # 74:** Whether the MCSO, and/or its officer, had reasonable suspicion or
2 probable cause to question Sergio Mueller Rangel with respect to his citizenship on July
3 23, 2009.
4

5 Plaintiffs' Position:

6 Plaintiffs contend that the MCSO and its officer did not have reasonable
7 suspicion or probable cause to question Sergio Mueller Rangel with respect to his
8 citizenship on July 23, 2009.
9

10 Defendants' Position:

11 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
12 all aspects regarding Sergio Muller Rangel.
13

14
15 **Issue # 75:** Whether the MCSO, and/or its officer, had reasonable suspicion or
16 probable cause to detain Sergio Mueller Rangel on July 23, 2009.

17 Plaintiffs' Position:

18 Plaintiffs contend that the MCSO and its officer did not have reasonable suspicion
19 or probable cause to detain Sergio Mueller Rangel on July 23, 2009.
20

21 Defendants' Position:

22 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
23 all aspects regarding Sergio Muller Rangel.
24

25
26 **Issue # 76:** Whether Sergio Mueller Rangel was racially profiled on July 23, 2009
27 in violation of his Fourteenth Amendment rights.
28

1 Plaintiffs' Position:

2 Plaintiffs contend that Sergio Mueller Rangel was racially profiled on July 23,
3 2009 in violation of his Fourteenth Amendment rights.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding Sergio Muller Rangel.
8

9
10 **Issue # 77:** Whether Sergeant Baranyos had reasonable suspicion or probable
11 cause to question Tammy Charles Leija on January 3, 2008.

12 Plaintiffs' Position:

13 Plaintiffs contend that Sergeant Baranyos did not have reasonable suspicion or
14 probable cause to question Tammy Charles Leija on January 3, 2008.
15

16 Defendants' Position:

17 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
18 all aspects regarding Tammy Charles Baranyos.
19

20
21 **Issue # 78:** Whether Tammy Charles Leija was racially profiled on January 3,
22 2008 in violation of her Fourteenth Amendment rights.

23 Plaintiffs' Position:

24 Plaintiffs contend that Tammy Charles Leija was racially profiled on January 3,
25 2008 in violation of her Fourteenth Amendment rights.
26

27 Defendants' Position:

28

1 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
2 all aspects regarding Tammy Charles Leija.

3
4
5 **2. The following are issues of law to be determined:**

6 **Issue #1:** Whether Defendants are engaging in discrimination based on race,
7 color and/or ethnicity in violation of the Fourteenth Amendment to the U.S. Constitution
8 and 42 U.S.C. § 1983.

9
10 Plaintiffs' Position:

11 Plaintiffs contend that Defendants have engaged in a widespread pattern and
12 practice of racial profiling and other racially and ethnically discriminatory treatment in
13 an illegal, improper and unauthorized attempt to enforce state and federal immigration
14 laws against large numbers of Latino persons in Maricopa County without regard for
15 actual citizenship or valid immigration status. For the reasons discussed above,
16 Defendants acted with discriminatory intent in a manner that has had a discriminatory
17 effect on Plaintiffs, in violation of the Fourteenth Amendment to the U.S. Constitution
18 and 42 U.S.C. § 1983.

19
20
21 To the extent any facts remain disputed, plaintiffs summarize those disputes
22 above.

23 Defendants' Position:

24 Defendants' conduct was not violative of Plaintiffs' Fourteenth Amendment
25 rights.
26

1 **Issue #2:** Whether Defendants’ make or have made stops, extensions of stops,
2 interrogations, detentions, searches and/or arrests of the Plaintiffs named in the
3 Complaint without probable cause or reasonable, articulable suspicion to believe they
4 have committed a crime or traffic violation (or after they have concluded dealing with
5 the traffic violation) in violation of the Fourth Amendment to the U.S. Constitution and
6 42 U.S.C. § 1983.
7

8 Plaintiffs’ Position:
9

10 Plaintiffs contend that Defendants widespread use of pretextual and unfounded
11 traffic stops, racially motivated questioning, detention, searches arrests and other
12 mistreatment without probable cause or reasonable, articulable suspicion to believe the
13 targeted individuals have committed a crime or traffic violation (or after they’ve
14 concluded dealing with the traffic violation), as exemplified by the specific instances
15 discussed above, is in violation of the Fourth Amendment to the U.S. Constitution and
16 42 U.S.C. § 1983.
17

18 To the extent any facts remain disputed, plaintiffs summarize those disputes
19 above.
20

21 Defendants’ Position:
22

23 Defendants’ conduct was not violative of Plaintiffs’ Fourth Amendment rights.
24

25 **Issue #3:** Whether Defendants’ make or have made stops, extensions of stops,
26 interrogations, detentions, searches and/or arrests of Plaintiff class members without
27 probable cause or reasonable, articulable suspicion to believe they have committed a
28

1 crime or traffic violation (or after they have concluded dealing with the traffic violation)
2 in violation of the Fourth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.

3
4 Plaintiffs' Position:

5 Plaintiffs contend that Defendants widespread use of pretextual and unfounded
6 traffic stops, racially motivated questioning, detention, searches arrests and other
7 mistreatment without probable cause or reasonable, articulable suspicion to believe the
8 targeted individuals have committed a crime or traffic violation (or after they've
9 concluded dealing with the traffic violation), as exemplified by the specific instances
10 discussed above, is in violation of the Fourth Amendment to the U.S. Constitution and
11 42 U.S.C. § 1983.

12
13 To the extent any facts remain disputed, plaintiffs summarize those disputes
14 above.

15
16 Defendants' Position:

17 Defendants' conduct is performed according to the law and did not violate
18 Plaintiffs' rights.

19
20
21 **Issue #4:** Whether Defendants' actions are unconstitutional because they violate
22 the rights of Plaintiffs and other similarly situated individuals under Article II, § 8 of the
23 Arizona Constitution.

24
25 Plaintiffs' Position:

1 Plaintiffs contend that, by the wrongful conduct described above, Defendants,
2 acting under the color of law, have violated the rights guaranteed to Plaintiffs under
3 Article II, § 8 of the Arizona Constitution.
4

5 To the extent any facts remain disputed, plaintiffs summarize those disputes
6 above.

7 Defendants' Position:

8 Defendants' conduct was not violative of Plaintiffs' rights pursuant to Article II,
9 Section 8 of the Arizona Constitution.
10

11
12 **Issue #4:** Whether Defendants engaged in race discrimination in violation of Title
13 VI of the Civil Rights Act of 1964 and 42 C.F.R. § 101 *et seq.*
14

15 Plaintiffs' Position:

16 Plaintiffs contend that Defendant MCSO is a the law enforcement agency for
17 Maricopa County, Arizona and that the MCSO receives federal funding and other
18 financial assistance from the Department of Justice and other federal agencies. Despite
19 this, the methods employed by Arpaio, the MCSO and Maricopa County discriminate
20 against individuals based on their race, color and/or ethnicity as described herein.
21 Therefore, Defendants have engaged in race discrimination in violation of Title VI of the
22 Civil Rights Act of 1964 and 42 C.F.R. § 101 *et seq.*
23

24 To the extent any facts remain disputed, plaintiffs summarize those disputes
25 above.
26

27 Defendants' Position:

1 Defendants' conduct was not violative of Plaintiffs' rights pursuant to Title VI of
2 the Civil Rights Act of 1964.

3
4
5 **Issue # 5:** Whether Plaintiffs have standing to obtain the equitable relief they
6 seek.

7 Plaintiffs' Position:

8 Plaintiffs contend that, for at least the reasons discussed in this Court's December
9 23, 2011 Order, Plaintiffs have standing to obtain the equitable relief they seek.
10

11 Defendants' Position:

12 Plaintiffs lack standing to obtain the equitable relief they seek for the reasons
13 stated in Defendants' Motion for Summary Judgment.
14

15
16 **Issue # 6:** Whether the class of Plaintiffs should remain certified.

17 Plaintiffs' Position:

18 Plaintiffs contend that, for at least the reasons discussed in this Court's December
19 23, 2011 Order, the class of Plaintiffs should remain certified.
20

21 Defendants' Position:

22 The class of Plaintiffs should be de-certified.
23

24
25 **Issue # 7:** Whether the testimony of class members and/or evidence of class
26 member alleged incidents with Defendants is admissible.

27 Plaintiffs' Position:

1 Plaintiffs contend that the testimony of class members and/or evidence of class
2 member alleged incidents with Defendants is admissible as it goes directly to the
3 questions of fact and law presented herein with respect to the MCSO's policy, pattern or
4 practice of racial profiling in violation of the United States Constitution and the Arizona
5 Constitution.
6

7 Defendants' Position:

8 Such evidence is inadmissible because it is irrelevant to whether the constitutional
9 rights of the named Plaintiffs were violated.
10

11
12 **Issue #8:** Whether Officer DiPietro had reasonable suspicion to detain Mr.
13 Ortega-Melendres and whether Deputy Rangel had probable cause to arrest Mr. Ortega-
14 Melendres.
15

16 Plaintiffs' Position:

17 Plaintiffs contend that probable cause was absent because Officer DiPietro did not
18 know of any facts prior to detention suggesting that Ortega-Melendres had committed a
19 crime. If there is reasonable suspicion to stop a vehicle, "the officer may ask the detainee
20 a moderate number of questions to determine his identity and to try to obtain information
21 confirming or dispelling the officer's suspicions. But the detainee is not obliged to
22 respond. And, unless the detainee's answers provide the officer with probable cause to
23 arrest him, he must then be released." *Berkemer* at 439-40. In order to arrest or detain
24 Mr. Ortega-Melendres, Deputy Rangel had to have probable cause, and the arrest must
25 have been proper under the Immigration and Nationality Act and implementing
26
27
28

1 regulations. MCSO officers did not have sufficient justification to conduct a warrantless
2 arrest of Mr. Ortega-Melendres. The fact that Deputy DiPietro suspected that Mr.
3 Ortega-Melendres was a Hispanic day laborer is not a proper basis for reasonable
4 suspicion or probable cause.
5

6 Plaintiffs summarize any disputed facts above.

7 Defendants' Position:

8 Officer DiPietro had reasonable suspicion to detain Mr. Ortega-Melendres and
9 Deputy Rangel had probable cause to detain Mr. Ortega-Melendres.
10

11
12 **Issue #9:** Whether there was reasonable suspicion or probable cause to stop Ms.
13 Meraz and Mr. Nieto.
14

15 Plaintiffs' Position:

16 Plaintiffs contend that the MCSO officers lacked reasonable suspicion because
17 there were no facts suggesting that Ms. Meraz and Mr. Nieto had committed a crime or
18 were in the process of committing one. "While 'reasonable suspicion' is a less
19 demanding standard than probable cause and requires a showing considerably less than
20 preponderance of the evidence, the Fourth Amendment requires at least a minimal level
21 of objective justification for making the stop. The officer must be able to articulate more
22 than an 'inchoate and unparticularized suspicion or 'hunch'' of criminal activity."
23 *Illinois v. Wardlaw*, 528 U.S. 119, 123-24 (2000) (internal citations omitted). MCSO
24 officers did not meet this standard. If the MCSO officers did not have reasonable
25 suspicion, they also did not have probable cause.
26
27
28

1 Plaintiffs summarize any disputed facts above.

2 Defendants' Position:

3 Deputy Kikes had reasonable suspicion or probable cause to stop Ms. Meraz and
4 Mr. Nieto.
5

6
7 **Issue #10:** Whether there was sufficient justification to remove Mr. Nieto from
8 the car and handcuff him.
9

10 Plaintiffs' Position:

11 Plaintiffs contend that MCSO officers lacked reasonable suspicion or probable
12 cause because, once again, there were no facts suggesting that Ms. Meraz and Mr. Nieto
13 had committed a crime or were in the process of committing one. Probable cause exists
14 if at the moment the arrest was made, "the facts and circumstances within [the officers']
15 knowledge and of which they had reasonably trustworthy information were sufficient to
16 warrant a prudent man in believing that the [defendant] had committed or was
17 committing an offense." *Beck v. Ohio*, 379 U.S. 89, 91 (1964). There was no probable
18 cause here. As stated above, to the extent that the MCSO argues that Deputy Kikes only
19 needed reasonable suspicion because the removal from the car and the handcuffing of
20 Nieto were done in connection with a *Terry* stop, Plaintiffs contend that, in the
21 alternative: 1) Deputy Kikes did not have reasonable suspicion sufficient to justify the
22 forceful removing of Mr. Nieto from the car or the handcuffing of Mr. Nieto or 2) the
23 actions of removing Mr. Nieto from the car and handcuffing him went beyond a *Terry*
24 stop and did require Deputy Kikes to have probable cause.
25
26
27
28

1 Plaintiffs summarize any disputed facts above.

2 Defendants' Position:

3 Deputy Kikes had reasonable suspicion or probable cause to remove Mr. Nieto
4 from his vehicle and detain him.
5

6
7 **Issue #11:** Whether there was reasonable suspicion or probable cause to question
8 and/or detain Jerry Garcia on July 23, 2009.
9

10 Plaintiffs' Position:

11 Plaintiffs contend that there was not reasonable suspicion or probable cause to
12 question and/or detain Jerry Garcia on July 23, 2009.
13

14 Defendants' Position:

15 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
16 all aspects regarding this person.
17

18 **Issue #12:** Whether there was reasonable suspicion or probable cause to stop,
19 question and/or detain Julio and Julian Mora on February 11, 2009.
20

21 Plaintiffs' Position:

22 Plaintiffs contend that there was not reasonable suspicion or probable cause to
23 stop, question and/or detain Julio and Julian Mora on February 11, 2009.
24

25 Defendants' Position:

26 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
27 all aspects regarding this person.
28

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Issue #13: Whether there was reasonable suspicion or probable cause to stop, question and/or detain Lorena Escamilla on September 2, 2009.

Plaintiffs' Position:

Plaintiffs contend that there was not reasonable suspicion or probable cause to stop, question and/or detain Lorena Escamilla on September 2, 2009.

Defendants' Position:

This incident is irrelevant to the issues in this case. The MCSO acted lawfully in all aspects regarding this person.

Issue #14: Whether there was reasonable suspicion or probable cause to stop, question and/or detain Daniel Magos on December 4, 2009.

Plaintiffs' Position:

Plaintiffs contend that there was not reasonable suspicion or probable cause to stop, question and/or detain Daniel Magos on December 4, 2009.

Defendants' Position:

This incident is irrelevant to the issues in this case. The MCSO acted lawfully in all aspects regarding this person.

Issue #15: Whether there was reasonable suspicion or probable cause to stop, question and/or detain Adolfo Maldonado on March 22, 2008.

Plaintiffs' Position:

1 Plaintiffs contend that there was not reasonable suspicion or probable cause to
2 stop, question and/or detain Adolfo Maldonado on March 22, 2008.

3
4 Defendants' Position:

5 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
6 all aspects regarding this person.

7
8 **Issue #16:** Whether there was reasonable suspicion or probable cause to stop,
9 question and/or detain Adolfo Maldonado on July 14, 2008.

10
11 Plaintiffs' Position:

12 Plaintiffs contend that there was not reasonable suspicion or probable cause to
13 stop, question and/or detain Adolfo Maldonado on July 14, 2008.

14
15 Defendants' Position:

16 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
17 all aspects regarding this person.

18
19 **Issue #17:** Whether there was reasonable suspicion or probable cause to stop,
20 question and/or detain Lino Garcia during the four traffic stops that occurred between
21 June and August of 2009.

22
23 Plaintiffs' Position:

24 Plaintiffs contend that there was not reasonable suspicion or probable cause to
25 stop, question and/or detain Lino Garcia during the four traffic stops that occurred
26 between June and August of 2009.
27

1 **Issue #20:** Whether there was reasonable suspicion or probable cause to stop,
2 question and/or detain Elaine Sanchez on May 28, 2008.

3 Plaintiffs' Position:

4
5 Plaintiffs contend that there was not reasonable suspicion or probable cause to
6 stop, question and/or detain Elaine Sanchez on May 28, 2008.

7 Defendants' Position:

8 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
9 all aspects regarding this person.
10

11
12 **Issue #21:** Whether there was reasonable suspicion or probable cause to stop,
13 question and/or detain Garrett Smith and/or any of the members of his family on October
14 16, 2009.

15 Plaintiffs' Position:

16
17 Plaintiffs contend that there was not reasonable suspicion or probable cause to
18 stop, question and/or detain Garrett Smith and/or any of the members of his family on
19 October 16, 2009.
20

21 Defendants' Position:

22 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
23 all aspects regarding this person(s).
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1 **Issue #22:** Whether there was reasonable suspicion or probable cause to stop,
2 question and/or detain Diona Solis, Jaime Florez Sanchez and the children on March 8,
3 2009.
4

5 Plaintiffs' Position:

6 Plaintiffs contend that there was not reasonable suspicion or probable cause to
7 stop, question and/or detain Diona Solis, Jaime Florez Sanchez and the children on
8 March 8, 2009.
9

10 Defendants' Position:

11 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
12 all aspects regarding this person(s).
13
14

15 **Issue #23:** Whether there was reasonable suspicion or probable cause to stop,
16 question and/or detain Jorge Urteaga regarding on January 9, 2009.

17 Plaintiffs' Position:

18 Plaintiffs contend that there was not reasonable suspicion or probable cause to
19 stop, question and/or detain Jorge Urteaga regarding on January 9, 2009.
20

21 Defendants' Position:

22 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
23 all aspects regarding this person(s).
24
25

26 **Issue #24:** Whether there was reasonable suspicion or probable cause to stop,
27 question and/or detain Leopoldo Arteaga on May 12, 2009.
28

1 Plaintiffs' Position:

2 Plaintiffs contend that there was not reasonable suspicion or probable cause to
3 stop, question and/or detain Leopoldo Arteaga on May 12, 2009.
4

5 Defendants' Position:

6 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
7 all aspects regarding this person.
8

9
10 **Issue #25:** Whether there was reasonable suspicion or probable cause to stop,
11 question and/or detain Anabel Avitia and/or Guerra Monge on October 16, 2009.

12 Plaintiffs' Position:

13 Plaintiffs contend that there was not reasonable suspicion or probable cause to
14 stop, question and/or detain Anabel Avitia or Guerra Monge on October 16, 2009.
15

16 Defendants' Position:

17 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
18 all aspects regarding this person(s).
19

20
21 **Issue #26:** Whether there was reasonable suspicion or probable cause to stop,
22 question and/or detain Sergio Mueller Rangel on July 23, 2009.

23 Plaintiffs' Position:

24 Plaintiffs contend that there was not reasonable suspicion or probable cause to
25 stop, question and/or detain Sergio Mueller Rangel on July 23, 2009.
26

27 Defendants' Position:

28

1 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
2 all aspects regarding this person(s).

3
4
5 **Issue #27:** Whether there was reasonable suspicion or probable cause to stop,
6 question and/or detain Tammy Charles Leija on January 3, 2008.

7 Plaintiffs' Position:

8 Plaintiffs contend that there was not reasonable suspicion or probable cause to
9 stop, question and/or detain Tammy Charles Leija on January 3, 2008.

10 Defendants' Position:

11 This incident is irrelevant to the issues in this case. The MCSO acted lawfully in
12 all aspects regarding this person.
13
14

15
16 **E. LIST OF WITNESSES**

17 Plaintiff's Witnesses:

18 **1. Witnesses who shall be called at trial:**

19
20 a. David Rodriguez; c/o Stanley Young, Esq., Covington & Burling
21 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
22 4700. Fact witness. Mr. Rodriguez will testify to the events of December 7, 2007,
23 including the events surrounding the traffic stop that occurred on that same date in which
24 Mr. Rodriguez was involved, the conduct of MCSO officers involved in that same traffic
25 stop, and the events immediately following the same traffic stop.
26
27

1 f. Julian Mora; c/o Stanley Young, Esq., Covington & Burling LLP
2 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
3
4 Fact witness. Mr. Mora will testify regarding the encounter with the MCSO described in
5 his declaration of April 7, 2009.

6 Defendants' objections to Julian Mora: relevance.

7 g. Lorena Escamilla; c/o Stanley Young, Esq., Covington & Burling
8 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
9 4700. Fact witness. Ms. Escamilla will testify regarding the encounter with the MCSO
10 on September 2, 2009 described in her declaration of February 18, 2010.

11 h. Daniel Magos; c/o Stanley Young, Esq., Covington & Burling LLP
12 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
13 Fact witness. Mr. Magos will testify regarding the encounter with the MCSO on
14 December 4, 2009 described in his declaration of January 21, 2010.

15 Defendants' objections to Daniel Magos: relevance.

16 i. Adolfo Maldonado; c/o Stanley Young, Esq., Covington & Burling
17 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
18 4700. Fact witness. Mr. Maldonado will testify regarding the encounter with the MCSO
19 described in his declaration of June 3, 2011.

20 Defendants' objections to Adolfo Maldonado: relevance.

21 j. Sergio Martinez Villaman; c/o Stanley Young, Esq., Covington &
22 Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418,
23 24
24 25
25 26
26 27
27 28

1 (650) 632-4700. Fact witness. Mr. Villaman will testify regarding the encounter with
2 the MCSO on June 27, 2008 as described in his declaration of December 17, 2009.

3
4 Defendants' objections to Sergio Martinez Villaman: relevance.

5 k. Robert Stewart; c/o Stanley Young, Esq., Covington & Burling LLP
6 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

7 Expert witness. Mr. Stewart will testify regarding his analysis of the policies and
8 practices of the MCSO, as presented in his expert reports of December 22, 2010 and
9 February 4, 2011.
10

11 l. Ralph Taylor; c/o Stanley Young, Esq., Covington & Burling LLP
12 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

13 Expert witness. Mr. Stewart will testify regarding his statistical analysis of traffic stops
14 conducted by the MCSO, as presented in his expert reports of December 22, 2010 and
15 February 4, 2011.
16

17 m. Sheriff Joseph Arpaio; c/o Tim Casey, Esq., Schmitt, Schneck,
18 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
19 (602) 277-7000. Fact witness. Sheriff Arpaio will testify regarding MCSO's policies
20 and practices with respect to officer training, racial discrimination, immigration
21 enforcement and saturation patrols, or crime suppression sweeps, including the planning
22 of and carrying out of saturation patrols, as well as the receipt of citizen complaints in
23 connection thereto.
24
25

26 n. Lieutenant Joseph Sousa; c/o Tim Casey, Esq., Schmitt, Schneck,
27 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
28

1 (602) 277-7000. Fact witness. Lieutenant Sousa will testify regarding MCSO's policies
2 and practices with respect to officer training, racial discrimination, immigration
3 enforcement and saturation patrols, or crime suppression sweeps, including the planning
4 of and carrying out of saturation patrols, as well as the receipt of citizen complaints in
5 connection thereto.
6

7 o. Deputy Chief Brian Sands; c/o Tim Casey, Esq., Schmitt, Schneck,
8 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
9

10 (602) 277-7000. Fact witness. Deputy Chief Sands will testify regarding MCSO's
11 policies and practices with respect to officer training, racial discrimination, immigration
12 enforcement and saturation patrols, or crime suppression sweeps, including the planning
13 of and carrying out of saturation patrols, as well as the receipt of citizen complaints in
14 connection thereto.
15

16 p. Sergeant Brett Palmer; c/o Tim Casey, Esq., Schmitt, Schneck,
17 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
18

19 (602) 277-7000. Fact witness. Sergeant Palmer will testify regarding MCSO's policies
20 and practices with respect to officer training, racial discrimination, immigration
21 enforcement and saturation patrols, or crime suppression sweeps, including the planning
22 of and carrying out of saturation patrols, as well as the receipt of citizen complaints in
23 connection thereto.
24

25 q. Deputy Carlos Rangel; c/o Tim Casey, Esq., Schmitt, Schneck,
26 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
27

28 (602) 277-7000. Fact witness. Deputy Rangel will testify regarding his involvement in

1 saturation patrols and traffic stops, including any of the specific stops identified by
2 Plaintiffs in this case in which he was involved, as well as the general practices of the
3 MCSO with respect to officer training and supervision and the general culture of the
4 MCSO.
5

6 r. Deputy Louis DiPietro; c/o Tim Casey, Esq., Schmitt, Schneck,
7 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
8 (602) 277-7000. Fact witness. Deputy DiPietro will testify regarding his involvement in
9 saturation patrols and traffic stops, including any of the specific stops identified by
10 Plaintiffs in this case in which he was involved, as well as the general practices of the
11 MCSO with respect to officer training and supervision and the general culture of the
12 MCSO.
13
14

15 **2. Witnesses who may be called at trial:**

16 a. Chief John MacIntyre; c/o Tim Casey, Esq., Schmitt, Schneck,
17 Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540,
18 (602) 277-7000. Fact witness. Chief MacIntyre will testify regarding MCSO's policies
19 and practices with respect to officer training, racial discrimination, immigration
20 enforcement and saturation patrols, or crime suppression sweeps, including the planning
21 of and carrying out of saturation patrols, as well as the receipt of citizen complaints in
22 connection thereto.
23

24 Defendants' objections to Chief John MacIntyre: relevance.

25 b. Sergeant Manuel Joseph Madrid; c/o Tim Casey, Esq., Schmitt,
26 Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ,
27

1 85014-5540, (602) 277-7000. Fact witness. Sergeant Madrid will testify regarding
2 MCSO's policies and practices with respect to officer training, racial discrimination,
3 immigration enforcement and saturation patrols, or crime suppression sweeps, including
4 the planning of and carrying out of saturation patrols, as well as the receipt of citizen
5 complaints in connection thereto.
6

7 c. Deputy Ramon Charley Armendariz; c/o Tim Casey, Esq., Schmitt,
8 Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ,
9 85014-5540, (602) 277-7000. Fact witness. Deputy Armendariz will testify regarding
10 his involvement in saturation patrols and traffic stops, including any of the specific stops
11 identified by Plaintiffs in this case in which he was involved, as well as the general
12 practices of the MCSO with respect to officer training and supervision and the general
13 culture of the MCSO.
14
15

16 d. Deputy Matthew Lucas Ratcliffe; c/o Tim Casey, Esq., Schmitt,
17 Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ,
18 85014-5540, (602) 277-7000. Fact witness. Deputy Ratcliffe will testify regarding his
19 involvement in saturation patrols and traffic stops, including any of the specific stops
20 identified by Plaintiffs in this case in which he was involved, as well as the general
21 practices of the MCSO with respect to officer training and supervision and the general
22 culture of the MCSO.
23
24

25 e. Deputy Douglas W. Beeks; ; c/o Tim Casey, Esq., Schmitt,
26 Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ,
27 85014-5540, (602) 277-7000. Fact witness. Deputy Beeks will testify regarding his
28

1 involvement in saturation patrols and traffic stops, including any of the specific stops
2 identified by Plaintiffs in this case in which he was involved, as well as the general
3 practices of the MCSO with respect to officer training and supervision and the general
4 culture of the MCSO.

5
6 f. Deputy Michael Dean Kikes; c/o Tim Casey, Esq., Schmitt,
7 Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ,
8 85014-5540, (602) 277-7000. Fact witness. Deputy Kikes will testify regarding his
9 involvement in saturation patrols and traffic stops, including any of the specific stops
10 identified by Plaintiffs in this case in which he was involved, as well as the general
11 practices of the MCSO with respect to officer training and supervision and the general
12 culture of the MCSO.

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14
15 g. Suzanne Ashmore; c/o Tim Casey, Esq., Schmitt, Schneck, Smyth
16 & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540, (602)
17 277-7000. Fact witness. Ms. Ashmore will testify regarding the funding that MCSO
18 receives from the federal government, either directly or through pass-through grants.

19
20 Defendants' objections to Suzanne Ashmore: relevance, particularly given
21 Defendants' stipulation regarding MCSO's receipt of federal money.

22
23 h. Velia Meraz; c/o Stanley Young, Esq., Covington & Burling LLP
24 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
25 Fact witness. Ms. Meraz will testify to the events of March 28, 2008, including the
26 events leading up to and surrounding the traffic stop that occurred on that same date in
27

1 which Ms. Meraz was involved, the conduct of MCSO officers involved in that same
2 traffic stop, and the events immediately following the same traffic stop.

3
4 i. Jessika Rodriguez; c/o Stanley Young, Esq., Covington & Burling
5 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
6 4700. Fact witness. Ms. Rodriguez will testify to the events of December 7, 2007,
7 including the events surrounding the traffic stop that occurred on that same date in which
8 Ms. Rodriguez was involved, the conduct of MCSO officers involved in that same traffic
9 stop, and the events immediately following the same traffic stop.

10
11 j. Manuel de Jesus Ortega-Melendres; c/o Stanley Young, Esq.,
12 Covington & Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA
13 94065-1418, (650) 632-4700. Fact witness. Mr. Ortega-Melendres will testify to the
14 events of September 27, 2007, including the events surrounding the traffic stop that
15 occurred on that same date in which Mr. Ortega-Melendres was involved, the conduct of
16 MCSO officers involved in that same traffic stop, and the events immediately following
17 the same traffic stop, including the events during his transfer to and release from ICE.

18
19 k. Lino Garcia; c/o Stanley Young, Esq., Covington & Burling LLP
20 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
21 Fact witness. Mr. Garcia will testify regarding his four separate encounters with the
22 MCSO described in his declaration of December 3, 2010.

23
24 Defendants' objections to Lino Garcia: relevance.

25
26 l. David Vasquez; c/o Stanley Young, Esq., Covington & Burling
27 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
28

1 4700. Fact witness. Mr. Sanchez will testify regarding the encounter with the MCSO on
2 June 26, 2008 described in his declaration of April 3, 2008.

3 Defendants' objections to David Vasquez: relevance.
4

5 m. Andrew Sanchez; c/o Stanley Young, Esq., Covington & Burling
6 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-

7 4700. Fact witness. Mr. Sanchez will testify regarding the encounter with the MCSO on
8 March 8, 2009 described in his declaration of November 13, 2008.

9 Defendants' objections to Andrew Sanchez: relevance.
10

11 n. Elaine Sanchez; c/o Stanley Young, Esq., Covington & Burling
12 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-

13 4700. Fact witness. Ms. Sanchez will testify regarding the encounter with the MCSO on
14 May 28, 2008.

15 Defendants' objections to Elaine: relevance; non and/or inadequate disclosure of
16 expected testimony.
17

18 o. Garrett Smith; c/o Stanley Young, Esq., Covington & Burling LLP
19 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

20 Fact witness. Mr. Smith will testify regarding the encounter with the MCSO on October
21 16, 2009 described in his declaration of December 29, 2009.

22 Defendants' objections to Garret Smith: relevance.
23

24 p. Diona Solis; c/o Stanley Young, Esq., Covington & Burling LLP
25 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
26

1 Fact witness. Ms. Solis will testify regarding the encounter with the MCSO on March 8,
2 2009 as described in her declaration of February 22, 2009.

3 Defendants' objections to Diona Solis: relevance.

4
5 q. Jamie Sanchez; c/o Stanley Young, Esq., Covington & Burling LLP
6 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

7 Fact witness. Mr. Sanchez will testify regarding the encounter with Ms. Solis and the
8 MCSO on March 8, 2009 as described in her declaration of February 22, 2009.

9
10 Defendants' objections to Jamie Sanchez: relevance.

11 r. Jorge Urteaga; c/o Stanley Young, Esq., Covington & Burling LLP
12 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

13 Fact witness. Mr. Urteaga will testify regarding the encounter with the MCSO on
14 January 9, 2009 described in his declaration of February 5, 2010.

15
16 Defendants' objections to Jorge Urteaga: relevance.

17 s. Dennis Gilman; c/o Stanley Young, Esq., Covington & Burling LLP
18 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

19 Fact witness. Mr. Gilman will testify regarding the events he witnessed during crime
20 suppression sweeps that he observed in 2009.

21
22 Defendants' objections to Dennis Gilman: relevance; non and/or inadequate
23 disclosure of expected testimony.

24
25 t. Blaine Woodruff; c/o Stanley Young, Esq., Covington & Burling
26 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
27 4700. Fact witness. Mr. Woodruff will testify to the events of December 7, 2007,

1 including the events surrounding the traffic stop that occurred on that same date in which
2 Mr. Rodriguez was involved, the conduct of MCSO officers involved in that same traffic
3 stop, and the events immediately following the same traffic stop.
4

5 Defendants' objections to Blaine Woodruff: relevance; non and/or inadequate
6 disclosure of expected testimony.

7 u. Lew Ruggiero; c/o Stanley Young, Esq., Covington & Burling LLP
8 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.

9 Fact witness. Mr. Ruggiero will testify regarding his interview of Blaine Woodruff
10 regarding the events of December 7, 2007, including the events surrounding the traffic
11 stop that occurred on that same date in which Mr. Rodriguez was involved, the conduct
12 of MCSO officers involved in that same traffic stop, and the events immediately
13 following the same traffic stop.
14
15

16 Defendants' objections to Lew Ruggiero: relevance; hearsay; non and/or
17 inadequate disclosure of expected testimony.

18 v. Andrew Yahraus; c/o Stanley Young, Esq., Covington & Burling
19 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
20 4700. Fact witness. Mr. Yahraus will testify to the events of December 7, 2007,
21 including the events surrounding the traffic stop that occurred on that same date in which
22 Mr. Rodriguez was involved, the conduct of MCSO officers involved in that same traffic
23 stop, and the events immediately following the same traffic stop.
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26 Defendants' objections to Andrew Yahraus: relevance; non and/or
27 inadequate disclosure of expected testimony.

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3. Witnesses who are unlikely to be called at trial:

a. Chief David Anthony Hendershott; c/o Tim Casey, Esq., Schmitt, Schneck, Smyth & Herrod P.C., 1221 East Osborn Road, Suite 105, Phoenix AZ, 85014-5540, (602) 277-7000. Fact witness. Chief Hendershott will testify regarding MCSO's policies and practices with respect to officer training, racial discrimination, immigration enforcement and saturation patrols, or crime suppression sweeps, including the planning of and carrying out of saturation patrols, as well as the receipt of citizen complaints in connection thereto.

b. Leopoldo Arteaga; c/o Stanley Young, Esq., Covington & Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700. Fact witness. Mr. Arteaga will testify regarding the encounter with the MCSO on May 12, 2009.

Defendants' objections to Leopoldo Arteaga: relevance.

c. Anabel Avitia; c/o Stanley Young, Esq., Covington & Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700. Fact witness. Mr. Avitia will testify regarding the encounters with the MCSO in October of 2009.

Defendants' objections to Anabel Avitia: relevance.

d. Socorro Hernandez Bernasconi; c/o Stanley Young, Esq., Covington & Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700. Fact witness. Ms. Bernasconi will testify regarding her encounters with the MCSO in April of 2009.

1 Defendants' objections to Socorro Hernandez Bernasconi: relevance; non and/or
2 inadequate disclosure of expected testimony.

3 e. Faith Fagaly; c/o Stanley Young, Esq., Covington & Burling LLP
4 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
5 Fact witness. Ms. Fagaly will testify regarding the encounter with the MCSO on July
6 23, 2009.
7

8 Defendants' objections to Faith Fagaly: relevance; non and/or inadequate
9 disclosure of expected testimony.
10

11 f. Sylvia Herrera; c/o Stanley Young, Esq., Covington & Burling LLP
12 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
13 Fact witness. Ms. Herrera will testify regarding the April 2009 crime suppression sweep
14 in the Town of Guadalupe.
15

16 Defendants' objections to Sylvia Herrera: relevance; non and/or inadequate
17 disclosure of expected testimony.
18

19 g. Tammy Charles Leija; c/o Stanley Young, Esq., Covington &
20 Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418,
21 (650) 632-4700. Fact witness. Mr. Leija will testify regarding the encounter with the
22 MCSO described in his declaration of February 11, 2010.
23

24 Defendants' objections to Tammy Charles Leija: relevance.

25 h. Sergio Mueller Rangel; c/o Stanley Young, Esq., Covington &
26 Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418,
27

1 (650) 632-4700. Fact witness. Mr. Rangel will testify regarding the encounter with the
2 MCSO on July 23, 2009.

3
4 Defendants' objections to Sergio Mueller Rangel: relevance; non and/or
5 inadequate disclosure of expected testimony.

6 i. Salvador Reza; c/o Stanley Young, Esq., Covington & Burling LLP
7 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
8 Fact witness. Mr. Reza will testify regarding the events that he witnessed during the
9 following crime suppression sweeps: Feb./March 2008, 32nd Street and Thomas,
10 Phoenix; March 2008, Cave Creek and Bell Roads, Phoenix; June 2008, Mesa; August
11 2008, Sun City; January 2009, Buckeye; July 2009, southeast valley/Chandler; October
12 2009, Surprise.
13

14
15 Defendants' objections to Salvador Reza: relevance; non and/or inadequate
16 disclosure of expected testimony.

17 j. Liana Rowe; c/o Stanley Young, Esq., Covington & Burling LLP
18 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
19 Fact witness. Ms. Rowe will testify regarding the events that she witnessed during the
20 following crime suppression sweeps: February/March 2008, 32nd Street and Thomas,
21 Phoenix; March 2008, Cave Creek and Bell Roads, Phoenix.
22

23
24 Defendants' objections to Liana Rowe: relevance; non and/or inadequate
25 disclosure of expected testimony.

26 k. Annette Sexton-Ruiz; c/o Stanley Young, Esq., Covington &
27 Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418,
28

1 (650) 632-4700. Fact witness. Ms. Sexton-Ruiz will testify regarding the events that
2 she witnessed during the following crime suppression sweeps: February/March 2008,
3 32nd Street and Thomas, Phoenix; March 2008, Cave Creek and Bell Roads, Phoenix.
4

5 Defendants' objections to Annette Sexton-Ruiz: relevance; non and/or inadequate
6 disclosure of expected testimony.

7 1. Elaine Munoz Sanchez; c/o Stanley Young, Esq., Covington &
8 Burling LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418,
9 (650) 632-4700. Fact witness. Ms. Sanchez will testify regarding the encounter with the
10 MCSO on April 3, 2008.
11

12 Defendants' objections to Elaine Munoz Sanchez: relevance; non and/or
13 inadequate disclosure of expected testimony.
14

15 m. Raquel Teran; c/o Stanley Young, Esq., Covington & Burling LLP
16 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-4700.
17 Fact witness. Ms. Teran will testify regarding the events that she witnessed during the
18 following crime suppression sweeps: February 2008, 32nd Street and Thomas, Phoenix;
19 January 2009, Town of Buckeye.
20

21 Defendants' objections to Raquel Teran: relevance; non and/or inadequate
22 disclosure of expected testimony.
23

24 n. Sean Whitcomb; c/o Stanley Young, Esq., Covington & Burling
25 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
26 4700. Fact witness. Mr. Whitcomb will testify regarding the events that he witnessed
27 during the following crime suppression sweep: April 2009, Town of Guadalupe.
28

1 Defendants' objections to Sean Whitcomb: relevance; non and/or inadequate
2 disclosure of expected testimony.

3 o. Hector Yturralde; c/o Stanley Young, Esq., Covington & Burling
4 LLP 333 Twin Dolphin Drive, Suite 700, Redwood Shores, CA 94065-1418, (650) 632-
5 4700. Fact witness. Mr. Yturralde will testify regarding his tenure as president of
6 Somos America the events that he witnessed during the following crime suppression
7 sweeps: March 2008 crime suppression sweep, Cave Creek and Bell Roads, Phoenix.
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9

10 Defendants' objections to Hector Yturralde: relevance; non and/or inadequate
11 disclosure of expected testimony.

12 **Defendants Witnesses**

13 1. Witnesses who shall be called at trial

14 a. Manuel de Jesus Ortega Melendres (fact witness), c/o Plaintiffs'
15 counsel. Mr. Melendres is expected to testify regarding the stop/detention involving him
16 that is the subject of this litigation, including but not limited to his admission to 287(g)-
17 certified MCSO officer Carlos Rangel that he was working in employment in the United
18 States when his B1-B2 visa does not permit such employment and that he did not have
19 an I-94 form that would allow him to be 25 miles north of the border, and to testify
20 consistent with his deposition.
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23 b. Jessica Quitugua Rodriquez (fact witness), c/o Plaintiffs' counsel.
24 Ms. Rodriquez is expected to testify regarding the stop/detention involving her that is the
25 subject of this litigation, and to testify consistent with her deposition.
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c. David Rodriquez (fact witness), c/o Plaintiffs' counsel. Mr. Rodriquez is expected to testify regarding the stop/detention that involving him that is the subject of this litigation and regarding his guilty plea to MCSO Arizona Traffic Ticket and Complaint 684751 re Failure to Obey a Traffic Control Device, and to testify consistent with his deposition.

d. Velia Meraz (fact witness), c/o Plaintiffs' counsel. Ms. Meraz is expected to testify regarding the stop/detention that involving her that is the subject of this litigation, and to testify consistent with her deposition.

e. Manuel Nieto, Jr. (fact witness), c/o Plaintiffs' counsel. Mr. Nieto is expected to testify regarding the stop/detention that involving him that is the subject of this litigation, and to testify consistent with his deposition.

f. Sheriff Joseph Arpaio (fact witness), c/o Defendants' counsel. Sheriff Joseph Arpaio is expected to testify regarding his knowledge of the MCSO's policies, the MCSO prohibition of racial profiling, the ICE-Maricopa County 287(g) program, MCSO's Human Smuggling Unit, MCSO's Illegal Immigration and Interdiction Unit, internal and external audits of MCSO, issues related to human smuggling and saturation patrols, his receipt of citizen correspondence, his review and forwarding of some of such correspondence and the reasons for the same, the reasons and meaning of his annotations, if any, to such correspondence, why he kept an "immigration file;" why he responded to certain letters received from people and what he meant in providing a response; the reason(s) he forward certain letter to Chief Sands

1 or others in his office, and other related subjects. He is expected to testify consistent
2 with his depositions.

3
4 Plaintiffs object to the testimony of Sheriff Joseph Arpaio to the extent Defendants
5 intend to have him testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs
6 will concurrently file a motion in limine with regards to the proper scope of testimony
7 regarding ICE.

8
9 g. Deputy Chief Brian Sands (fact witness), c/o Defendants' counsel.

10 Deputy Chief Sands is the head of the Enforcement Division within the MCSO and is
11 expected to testify regarding his knowledge of the MCSO's policies, the MCSO
12 prohibition of racial profiling, the ICE-Maricopa County 287(g) program, training of
13 MCSO deputies and HSU members, ICE training, and issues related to human
14 smuggling and saturation patrols. He is further expected to testify regarding his
15 selection of site for saturation patrols, the manner of selecting such sites and the
16 information used to select such sites, and his handling of correspondence and
17 information forwarded to him from Sheriff Arpaio. He is expected to testify consistent
18 with his depositions.
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21 Plaintiffs object to the testimony of Deputy Chief Brian Sands to the extent Defendants
22 intend to have him testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs
23 will concurrently file a motion in limine with regards to the proper scope of testimony
24 regarding ICE.

25
26 h. Lt. Joe Sousa (fact witness), c/o Defendants' counsel. Lt. Sousa,
27 MCSO Enforcement Detective, is expected to testify regarding his knowledge of the
28

1 MCSO's policies, the ICE-Maricopa County 287(g) program, MCSO's Human
2 Smuggling Unit, MCSO's Illegal Immigration and Interdiction Unit, operations plans,
3 HSU training and supervision, site selection for saturation patrol, the MCSO prohibition
4 of racial profiling, the handling of tips received from citizens and issues related to
5 human smuggling and saturation patrols. He is expected to testify consistent with his
6 depositions.
7

8 Plaintiffs object to the testimony of Lt. Joe Sousa to the extent Defendants intend to have
9 him testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will concurrently
10 file a motion in limine with regards to the proper scope of testimony regarding ICE.
11

12 i. Sgt. Manny Madrid (fact witness), c/o Defendants' counsel. Sgt.
13 Madrid, an officer in Enforcement Support, is expected to testify regarding the incident
14 involving plaintiff Mr. Ortega-Melendres and related issues. He is further expected to
15 testify regarding crime saturation patrols and the execution of same, his training and
16 supervision of HSU members, the MCSO prohibition of racial profiling, and is expected
17 to testify consistent with his depositions.
18

19 j. Sgt. Brett Palmer (fact witness), c/o Defendants' counsel. Sgt.
20 Palmer is expected to testify regarding the ICE-Maricopa County 287(g) program, the
21 MCSO's policies and practices and issues related to human smuggling and saturation
22 patrols, his training and supervision of HSU members, the MCSO prohibition of racial
23 profiling, and is expected to testify consistent with his depositions.
24

25 Plaintiffs object to the testimony of Sgt. Brett Palmer to the extent Defendants intend to
26 have him testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will
27

1 concurrently file a motion in limine with regards to the proper scope of testimony
2 regarding ICE.

3 k. Deputy Louis DePietro (fact witness), c/o Defendants' counsel.
4 Deputy DiPietro, an officer in the MCSO SWAT Division, is expected to testify
5 regarding the traffic stop related to plaintiff Mr. Ortega Melendres, the reasons for his
6 detention of the vehicle occupants, including Mr. Melendres, and related issues. He is
7 expected to testify consistent with his depositions.
8
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10 l. Deputy Carlos Rangel (fact witness), c/o Defendants' counsel.
11 Deputy Rangel, a 287(g)-certified MCSO officer in Enforcement Support, is expected to
12 testify regarding the incident involving plaintiff Mr. Ortega-Melendres and related issues
13 and the HSU investigation in the area. He is expected to testify consistent with his
14 depositions.
15

16 m. Deputy Ramon Charley Armendariz (fact witness), c/o Defendants'
17 counsel. Deputy Armendariz is expected to testify that, during a special assignment on
18 March 28, 2008, he made a traffic stop of a vehicle during which a dark-colored SUV
19 containing plaintiffs Meraz and Nieto parked directly behind his patrol car and engaged
20 in threatening conduct that presented a security and safety risk to himself and two
21 detainees and caused him to call for law enforcement back-up. He is expected to testify
22 consistent with his depositions.
23
24

25 n. Deputy Michael Kikes (fact witness), c/o Defendants' counsel.
26 Deputy Kikes, a MCSO Patrol Officer at MCSO and is expected to testify regarding the
27 incident involving plaintiffs Meraz and Nieto, his hearing of the Armendariz call for
28

1 back-up, his conclusions from hearing the request for back-up, his identification and
2 following of the Meraz and Nieto vehicle, its non-compliance with his request to stop, its
3 subsequent behavior and lack of cooperation, the presence of third parties and the scene,
4 and the cause or reason for the traffic stop and detention. He is expected to testify
5 consistent with his deposition.
6

7 o. Former MCSO Deputy Douglas Beeks (fact witness), c/o
8 Defendants' counsel. Deputy Beeks, a former MCSO officer in the Special Enforcement
9 Division, is expected to testify regarding the incident involving plaintiffs Meraz and
10 Nieto, his hearing of the Armendariz call for back-up, his conclusions from hearing the
11 request for back-up, Nieto's behavior, and his actions taken at the scene and his
12 subsequent communication with Deputy Armendariz. He is expected to testify consistent
13 with his deposition.
14
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16 p. Deputy Matt Ratcliffe (fact witness), c/o Defendants' counsel.
17 Deputy Ratcliffe, a MCSO officer in the Lake Division, is expected to testify regarding
18 the incident involving the Rodriguez plaintiffs and related issues, including the cause for
19 the traffic stop and detention. He is expected to testify consistent with his deposition.
20

21 q. Jason Kidd (fact witness, **by deposition**), ICE, 500 12th Street SW,
22 Washington, DC. 20536. Mr. Kidd is expected to testify concerning his first hand
23 knowledge regarding ICE's supervision of and communication with the MCSO
24 regarding the MOA and the 287(g) program, the results, findings, and conclusions of the
25 ICE/Homeland Security audits of the MCSO/287(g)/MOA program in 2007 and 2008,
26 that Defendants were in compliance with the MOA and federal law and engaged in good
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1 and proper law enforcement and not racial profiling, and that if ICE had any concerns
2 whatsoever that Defendants were (or may have been) engaged in racial profiling ICE
3 would have acted immediately to stop such activity. He is expected to testify consistent
4 with his deposition.
5

6 Plaintiffs object to Jason Kidd on the following grounds: Relevance, F.R.E. 403,
7 lack of basis for deposition designation as opposed to live testimony. Plaintiffs will file
8 concurrently a motion in limine with respect to the testimony of Jason Kidd and the
9 scope of allowed testimony regarding ICE more generally.
10

11 r. Alonzo Pena (fact witness, **by deposition**), ICE, 500 12th Street
12 SW, Washington, DC. 20536. Mr. Pena, a former ICE SAC in Phoenix, is expected to
13 testify concerning his first hand knowledge regarding ICE's supervision of and
14 communication with the MCSO regarding the MOA and the 287(g) program, the results,
15 findings, and conclusions of the ICE/Homeland Security audits of the
16 MCSO/287(g)/MOA program in 2007 and 2008, that Defendants were in compliance
17 with the MOA and federal law and engaged in good and proper law enforcement and not
18 racial profiling, and that if ICE had any concerns whatsoever that Defendants were (or
19 may have been) engaged in racial profiling ICE would have acted immediately to stop
20 such activity. He is expected to testify consistent with his deposition.
21
22

23 Plaintiffs object to Alonzo Pena on the following grounds: Relevance, F.R.E. 403,
24 lack of basis for deposition designation as opposed to live testimony. Plaintiffs will file
25 concurrently a motion in limine with respect to the testimony of Alonzo Pena and the
26 scope of allowed testimony regarding ICE more generally.
27
28

1 s. James Pendergraph (fact witness), 16910 Youngblood Road,
2 Charlotte, N.C. 28278. Mr. Pendergraph, a former ICE official, is expected to testify on
3 the following subjects: (a) his background, experience, knowledge and training as a
4 professional law enforcement officer and his use as a local sheriff of 287(g) authority in
5 North Carolina and his knowledge and experiences with the same; (b) his role,
6 employment, and position with ICE during the time period pertinent to plaintiffs'
7 Amended Complaint; (c) his knowledge of the 287(g) agreement between ICE and the
8 MCSO; (d) ICE's supervision of the MCSO and communications with the MCSO; (e)
9 ICE's program that trains local police in immigration enforcement and the instruction
10 regarding illegal racial profiling; (f) his personal knowledge of, and communications
11 with other ICE officials regarding, the ICE audits of the MCSO in 2007 and 2008 and
12 ICE's findings and conclusions regarding the MCSO law enforcement operations
13 including its saturation patrols and crime suppression sweeps; (g) his observations of the
14 actions of Arpaio and MCSO in compliance with the MOA, federal law, and law
15 enforcement practice; and (h) his observation of part of the MCSO's crime suppression
16 patrol in the Town of Guadalupe and that nothing inappropriate was observed.

21 Plaintiffs object to James Pendergraph on the following grounds: Relevance,
22 F.R.E. 403, and because Plaintiffs were not provided with an opportunity to depose Mr.
23 Pendergraph. Plaintiffs will file concurrently motions in limine with respect to the
24 testimony of Mr. Pendergraph and the scope of allowed testimony regarding ICE more
25 generally.
26

1 t. Bennie R. Click (expert witness), P.O. Box 17186, Munds Park,
2 Arizona 86017. Mr. Click is expected to testify consistent with his written report and
3 deposition.
4

5 u. Steven Camarota, Ph.D.(expert witness), 1522 K Street N.W., Suite
6 820, Washington, D.C. 20005. Dr. Camarota is expected to testify consistent with his
7 written report and deposition.
8

9 Plaintiffs object to the testimony of Steven Camarota to the extent Dr. Camarota
10 plans to testify regarding any information received from Scott Jefferys on the following
11 grounds: hearsay, non or inadequate disclosure of testimony.

12 **2. Witnesses who may be called at trial**

13 a. Lt. Chuck Siemens (fact witness), c/o Defendants' counsel. Lt.
14 Siemens may testify regarding the ICE-MCSO 287(g) program, the MCSO's policies
15 and practices and issues related to human smuggling and saturation patrols.
16

17 Plaintiffs object to the testimony of Lt. Chuck Siemens to the extent Defendants intend
18 to have him testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will
19 concurrently file a motion in limine with regards to the proper scope of testimony
20 regarding ICE.
21

22 b. Deputy Terry Heimgartner (fact witness), c/o Defendants' counsel.
23 Deputy Heimgartner, an officer in the MCSO SWAT Division, is expected to testify
24 regarding the incident involving plaintiff Mr. Ortega-Melendres and related issues
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1 c. Deputy Herbert Rowe, c/o Defendants' counsel. Deputy Rowe, a
2 MCSO officer in District IV, is expected to testify regarding the incident involving
3 plaintiff Mr. Ortega-Melendres and related issues.
4

5 d. Deputy Cesar Brockman (fact witness), c/o Defendants' counsel.
6 Deputy Brockman, an officer in the MCSO Enforcement Support Division, is expected
7 to testify regarding the incident involving plaintiffs Meraz and Nieto.
8

9 e. Sgt. Wes Ellison (fact witness), c/o Defendants' counsel. Sgt.
10 Ellison is the author of document Melendres MCSO 056860-61 and is expected to testify
11 regarding the contents of the same.
12

13 f. Lt. Fred Aldorasi (fact witness), c/o Defendants' counsel. Lt.
14 Aldorasi was the recipient of document Melendres MCSO 056860-61 and is expected to
15 testify about the handwritten notations he made on such document.
16

17 g. Frank Sloup (fact witness), c/o Defendants' counsel. Deputy Sloup,
18 a MCSO Patrol Officer, is expected to testify to his reasons or basis for questioning Mr.
19 Jerry Alfonso Cosio and the legal basis for the arrest of Mr. Cosio to the extent evidence
20 regarding Mr. Alfonso is admissible.
21

22 h. Deputy D. Thompson (fact witness), c/o Defendants' counsel.
23 Deputy Thompson, a MCSO Patrol Officer, is expected to testify to his reasons or basis
24 for the vehicle stop of Leopoldo Arteaga and for the arrest of Mr. Arteaga to the extent
25 evidence regarding Mr. Arteaga is admissible.
26

27 i. Deputy J. Feagen (fact witness), c/o Defendants' counsel. Deputy
28 Feagen, a MCSO Patrol Officer, is expected to testify to his reasons or basis for the

1 vehicle stop of Leopoldo Arteaga and for the arrest of Mr. Arteaga to the extent evidence
2 regarding Mr. Arteaga is admissible.

3 j. Scott Jefferys (fact witness), c/o Defendants' counsel. Mr. Jefferys,
4 an employee of Maricopa County working in the MCSO, is the Computer Aided
5 Dispatch ("CAD") coordinator for the MCSO and is expected to testify regarding his
6 provision of the CAD data to Dr. Steven Camarota and, to the extent necessary or
7 appropriate for foundational or other reasons, regarding the following: (a) how MCSO
8 stores information: (b) how Mr. Jefferys compiled and/or prepared the CAD data for
9 analysis by Dr. Camarota; and (c) how Mr. Jefferys analyzed Dr. Taylor's supporting
10 information from the data supplied by Plaintiffs' counsel.
11
12

13 Plaintiffs object to Scott Jefferys on the following grounds: Relevance, lack of
14 and/or inadequate disclosure of witness and/or areas of testimony. Additionally, Mr.
15 Jefferys was not adequately disclosed as an expert and should not be allowed to testify in
16 that regard. Plaintiffs will concurrently file a motion in limine with respect to the
17 testimony of Mr. Jefferys
18

19 k. Captain Ray Jones (fact witness), c/o Defendants' counsel. Former
20 Captain Jones is expected to testify regarding the ICE- Maricopa County 287(g)
21 program, the MCSO's policies and practices, and issues related to human smuggling and
22 saturation patrols.
23

24 Plaintiffs object to the testimony of Ray Jones to the extent Defendants intend to
25 have Mr. Jones testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will
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27

1 concurrently file a motion in limine with regards to the proper scope of testimony
2 regarding ICE.

3
4 1. Deputy J.F. Silva (fact witness), c/o Defendants' counsel. Deputy
5 Silva is expected to testify regarding the ICE-Maricopa County 287(g) program,
6 MCSO's policies and practices, and issues related to human smuggling and saturation
7 patrols.

8
9 Plaintiffs object to the testimony of Ray Jones to the extent Defendants intend to
10 have Mr. Silva testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will
11 concurrently file a motion in limine with regards to the proper scope of testimony
12 regarding ICE.

13
14 m. Deputy S. Ross (fact witness), c/o Defendants' counsel. Deputy
15 Ross is expected to testify regarding the ICE-Maricopa County 287(g) program,
16 MCSO's policies and practices, and issues related to human smuggling and saturation
17 patrols.

18
19 Plaintiffs object to the testimony of Ray Jones to the extent Defendants intend to
20 have Mr. Ross testify regarding ICE as irrelevant and under F.R.E. 403. Plaintiffs will
21 concurrently file a motion in limine with regards to the proper scope of testimony
22 regarding ICE.

23
24 n. MCSO Deputy W. Ellison, c/o Defendants' counsel. Deputy
25 Ellison may be called to lay the foundation for, and testify about, Defense exhibit 1007
26 (Melendres MCSO 056860-61) to the extent an objection to the same is made at trial by
27 Plaintiffs.

1 n. To the extent Plaintiffs are permitted to call at trial class members and
2 third parties to testify regarding their interactions and/or traffic stops with MCSO
3 personnel, the Defendants may call the following MCSO deputies as fact witnesses to
4 rebut and respond to the testimony of the Plaintiffs' third party witnesses: Deputies
5 Gamboa, Russell, Ruehle, Templeton, Sedlacek, and Baraynos. Each of these deputies
6 will testify, if needed, to their interactions with the respective third party witness as set
7 forth in their respective testimony.
8
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10 Plaintiffs object to each of Deputies Gamboa, Russell, Ruehle, Templeton,
11 Sedlacek, and Baraynos on the grounds of non or inadequate disclosure.

12 **3. Witnesses who are unlikely to be called at trial.**

13 a. Matthew Allen (fact witness, 400 North 5th Street - 11th Floor,
14 Phoenix, AZ 85004. Mr. Allen is an ICE Special Agent in Charge is expected to testify
15 consistent with his prior public statements that the Defendants stayed within the bounds
16 of the Memorandum of Agreement.
17

18 Plaintiffs object to Matthew Allen on the following grounds: Relevance, F.R.E.
19 403, and because Plaintiffs were not provided with an opportunity to depose Mr. Allen.
20 Plaintiffs will file concurrently motions in limine with respect to the testimony of Mr.
21 Allen and the scope of allowed testimony regarding ICE more generally.
22

23 b. Troy Henley (fact witness, 400 North 5th Street - 11th Floor,
24 Phoenix, AZ 85004. Mr. Henley is an acting ICE Special Agent in Charge in charge of
25 investigation for the Arizona office of ICE is expected to testify consistent with his prior
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1 public statements that the crime suppression patrols conducted by Defendants are under
2 state law and that Defendants acted in compliance with the Memorandum of Agreement.

3
4 Plaintiffs object to Troy Henley on the following grounds: Relevance, F.R.E. 403,
5 and because Plaintiffs were not provided with an opportunity to depose Mr. Henley.

6 Plaintiffs will file concurrently motions in limine with respect to the testimony of Mr.
7 Henley and the scope of allowed testimony regarding ICE more generally.

8
9 c. Vincent Picard (fact witness), 400 North 5th Street - 11th Floor,
10 Phoenix, AZ 85004. Mr. Picard, a spokesman for the Phoenix office of ICE, is expected
11 to testify consistent with his prior public statements that, as of February 14, 2009,
12 Defendants had not violated the 287(g) agreement, that the 287(g) program was working
13 as intended, and that not a single first-hand complaint involving ICE-trained officers in
14 Arizona had been filed with the Department of Homeland Security's Office of Inspector
15 General or any other federal investigative agency.

16
17 Plaintiffs object to Vincent Picard on the following grounds: Relevance, F.R.E.
18 403, and because Plaintiffs were not provided with an opportunity to depose Mr. Picard.
19 Plaintiffs will file concurrently motions in limine with respect to the testimony of Mr.
20 Picard and the scope of allowed testimony regarding ICE more generally.

21
22 d. Bill Reid (fact witness), address not known. Mr. Reid, a former
23 ICE official who headed the ICE Internal Affairs Division in 2008 and conducted and/or
24 directed the 2008 audit of the MCSO MOA/287(g) program, is expected to testify about
25 his role and position at ICE, his role and responsibilities in conducting the 2008 audit of
26 the MCSO MOA/287(g) program, and his conclusions, findings, and opinions reached
27

1 during that audit, which concluded that there was no problem with Arpaio and the
 2 MCSO's operation under the MOA and 287(g) and there was no racial profiling by the
 3 MCSO.
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5 Plaintiffs object to Bill Reid on the following grounds: Relevance, F.R.E. 403,
 6 and because Plaintiffs were not provided with an opportunity to depose Mr. Reid.

7 Plaintiffs will file concurrently motions in limine with respect to the testimony of Mr.
 8 Reid and the scope of allowed testimony regarding ICE more generally.
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10 Each party understands that it is responsible for ensuring that the witnesses it
 11 wishes to call to testify are subpoenaed. Each party further understands that any witness
 12 a party wishes to call shall be listed on that party's list of witnesses; the party cannot rely
 13 on the witness having been listed or subpoenaed by another party.
 14

15 **F. LIST OF EXHIBITS**

16 **1.** The following exhibits are admissible in evidence and may be marked in
 17 evidence by the Clerk:
 18

Trial Exh. No.	Description
1	Email chain last dated March 11, 2009 re "Three Presidents" (Exhibit 7 to the deposition of Joseph Sousa, taken on October 22, 2010)
2	Email chain, last dated June 13, 2009 re "FW: Thought you'd find this interesting" containing status purported to be from the L.A. Times (Exhibit 5 to the deposition of Brett Palmer, taken on November 9, 2010)
5	Email dated May 29, 2008 re "3511 stuff" and attaching a copy of a "Mexifornia" Driver's License, Email dated 6/3/2008 forwarding "3511 stuff" (Exhibit 34 to the deposition of Joseph Arpaio, taken on

Trial Exh. No.	Description
	November 16, 2010)
7	Email last dated May 1, 2008 re "FW: MORE: Mexican Words of the Day" (Exhibit 22 to the deposition of Brian L. Sands, taken on November 15, 2010)
11	MCSO News Release dated October 21, 2009, "Arpaio: 'We Will Still Use Indicators in the Enforcement of Illegal Immigration Laws'" (ORT 000616-617 / Exhibit 3 to the deposition of Brett Palmer, taken on October 23, 2009)
12	Excerpt from "Workbook: Statutory Authority, ICE Academy" dated Fall 2005 (ORT 000618 / Exhibit 4 to the deposition of Brett Palmer, taken on October 23, 2009)
13	Oct. 30, 2009 email from Palmer to Madrid, Armendariz, Rangel, Sousa (Carveout MCSO 0000431)
16	Email chain last dated July 2, 2008 re "FW: some we haven't seen yet, just scroll down" attaching image of "No Illegals - No Burritos" (Carveout MCSO 0003188-97, 3205)
17	Email chain last dated July 1, 2008 re "RE: FUNNY MEXICAN WORDS" (Carveout MCSO 0004961-62)
18	Email chain last dated July 2, 2008 re "A RARE PHOTO OF A MEXICAN NAVY SEAL" (Carveout MCSO 0005586-88)
19	Email chain last dated November 12, 2005 re "FW: Guadalupe Handgun revision" and attaching image of "Hispanic Shooting Range" (Carveout MCSO 0006209-10)
20	Dec. 16, 2008 email from Sousa to Rangel, Palmer, Madrid, Armendariz; Jerez reply (Carveout MCSO 0023530)
29	Email chain last dated June 25, 2008 re "Indian yoga vs. Mexican yoga" (Carveout MCSO 0038846-49)

Trial Exh. No.	Description
30	Email dated September 2, 2008 re "Fw: Mexican Jews" (Carveout MCSO 0103100)
31	Email chain dated December 15, 2008 re "FW: Learn the Mexican Words of the Day" (Carveout MCSO 0132232)
32	Email dated July 10, 2008 re "FW: Word of the Day" attaching Mexican word of the day.doc (Carveout MCSO 0162905-06)
35	Attachment to July 30, 2008 email from Gonzales to Barron-Irby; titled "Brian Sands/Dave Trombi" (Carveout MCSO 0227729-30)
43	Mar. 11, 2009 email from Siemens to Rios, Sousa (Carveout MCSO 0350979)
44	Email chain, last dated September 29, 2009 re "Mexican Engineering at It's Best!!" (Carveout MCSO 0426255-70)
45	Email chain, dated February 24, 2009 re "FW: Mexican words of the day" (Carveout MCSO 0496147-48)
46	Email dated July 22, 2009 re "MEXICAN TEST" (Carveout MCSO 0497277-80)
47	Email chain dated November 3, 2009 re "FW: Mexican Recliners" (Carveout MCSO 0501203-05)
50	MCSO CAD Incident History, Incident # MA07222192 (MCSO CAD Database)
65	MCSO Memorandum re "Complaint on Deputy Matt Ratcliffe" and other complaints against the MCSO with various dates (Melendres MCSO 000001-30)
66	MCSO Arizona Ticket and Complaint Form (Melendres MCSO 000004 / Exhibit 6 to the deposition of Matthew Lucas Ratcliffe, taken on October 15, 2009)

Trial Exh. No.	Description
67	DHS officer training manual: Powerpoint presentation discussing delegation of authority under 287(g) (Melendres MCSO 000081-104)
68	Civil Rights file with 287(g) Officer Training Participant Workbook (Melendres MCSO 000179-198 / Exhibit 1 to the deposition of Brett Palmer, taken on October 23, 2009)
69	DHS officer training manual: lesson plan re use of race by federal law enforcement (Melendres MCSO 000222-37)
70	MCSO CAD Incident History 9/27/2007 Incident #MA07181873 (Melendres MCSO 001785-87 / Exhibit 1 to the deposition of Carlos Rangel, taken on October 20, 2009)

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Trial Exh. No.	Description
71	CAD Incident History (MA08054641 MA08054636 MA08054640) and Incident Report (MA08054636) (Melendres MCSO 001811-20 / Melendres MCSO 001811 - Exhibit 9 to Kikes Deposition / Melendres MCSO 001812-14 - Exhibit 12 to Armendariz November 24, 2009 Deposition / Melendres MCSO 001816 - Exhibit 7 to Beeks Deposition / Melendres MCSO 001817-20 - Exhibit 7 to Kikes Deposition)
73	Melendres MCSO 001817-20
74	Enforcement Support Unit organizational chart (Melendres MCSO 001821)
75	Saturation Patrol Documents 32nd Street and Thomas, January 18-19, 2008 (Melendres MCSO 001822-24)
76	MCSO Human Smuggling Unit, Shift Summary for Saturation Patrol 12/14/07 at Aguila and surrounding area (Melendres MCSO 014905-07)
77	Saturation Patrol Stats, January 18th, 2008 from 1500 to 2300 (Melendres MCSO 001825)
78	MCSO Crime Suppression / Saturation Patrol Totals (Melendres MCSO 001826)
79	Saturation Patrol Documents 32nd Street and Thomas, March 21-22, 2008; Operation Summary, stat sheet for saturation patrol, arrest list / Handwritten Notes dated 3/21/2008 of arrests (Melendres MCSO 001834-40)
80	MCSO Human Smuggling Unit Shift Summary, for 11/29/2007 in the Area of Broadway and Stapley, Mesa (Melendres MCSO 014898)
81	MCSO Human Smuggling Unit Shift Summary, for 12/5/07 in the Area of Broadway and Stapley, Mesa (Melendres MCSO 014900)
82	Saturation Patrol Documents, Cave Creek and Bell, March 27-28, 2008 / Incident action plan, patrol statistics, personnel sign-in rosters, arrest lists, Mar. 27-28, 2008 at Cave Creek and Bell Rds. in Phoenix (Melendres MCSO 001844-52; Melendres MCSO 014547-48)
83	Stat Sheet for Saturation Patrol 03/28/08 (Melendres MCSO 001848)

Trial Exh. No.	Description
84	MCSO Personnel Sign-In for Cave Creek & Bell, 3/28 (Melendres MCSO 001849-50)
85	Handwritten arrest logs (Melendres MCSO 001851-52 / Exhibit 6 to the deposition of Douglas W. Beeks, taken on October 22, 2009)
86	Saturation Patrol Documents, Guadalupe, April 3-4, 2008 (Melendres MCSO 001853-59)
87	Incident action plan, patrol statistics, personnel sign-in roster, arrest lists, email correspondence to Phoenix, Tempe and Ahwatukee PDs, Apr. 3-4, 2008 in Guadalupe (Melendres MCSO 001853-77)
88	Email dated April 4, 2008 re "Guadalupe Saturation patrol 04/04/08 and stat totals" (Melendres MCSO 001864-65)
89	Saturation Patrol Sign-in Roster for Guadalupe Saturation Patrol 4/3-4/2008 (Melendres MCSO 001866-73)
90	Incident action plan, III Strike Team protocol, officer safety bulletin, aerial photographs and maps of Mesa, supplemental operations plan, stats for last four sweeps, arrest lists, personnel sign-in roster, copy of East Valley Tribune article: "Arpaio plans to sweep Mesa on Thursday," patrol statistics, June 26-27, 2008 in Mesa (Melendres MCSO 001878-925; Melendres MCSO 014578-79)
91	Saturation Patrol Documents, Mesa, June 26-27, 2008 (Melendres MCSO 001878-98)

Trial Exh. No.	Description
92	Illegal Immigration Enforcement Protocols (April 25, Oct. 8, and Oct. 21, 2008) (Melendres MCSO 001887-88; Melendres MCSO 014951-53; Melendres MCSO 014966-67)
93	Email dated June 28/2008 re "Mesa Saturation patrol 08/27/08 and stat totals for operation" (Melendres MCSO 001899-1900)
94	MCSO Crime Suppression / Saturation Patrol Arrest List, Mesa Op / 06-26-27, 2008 (Melendres MCSO 001904-20)
95	MCSO Crime Suppression / Saturation Patrol Arrest List for Mesa Op; (Melendres MCSO 001907-914)
96	Form for MCSO Crime Suppression / Saturation Patrol Totals (Melendres MCSO 058706)
97	Saturation Patrol Documents, Mesa, July 14, 2008 / Incident action plan, III Strike Team protocol, officer safety bulletin, aerial photographs and maps of Mesa, July 14, 2008 in Town of Mesa (Melendres MCSO 001926-47)
98	Email dated July 15, 2008 re "Mesa Saturation patrol 07/14/08" (Melendres MCSO 001941)
99	Sign-in Roster, dated 07/14/08 for Operation: Mesa-OP (Melendres MCSO 001942-46)
100	Saturation Patrol Documents, Food Vendor Detail, Maryvale, July 31, 2008 (Melendres MCSO 001948-54)
101	Saturation Patrol Documents, Sun City / Sun City West / US 60 / I-17, August 13-14, 2008 (Melendres MCSO 001970-73)

Trial Exh. No.	Description
102	Operation plan, maps of Sun City and Sun City West, patrol statistics, email correspondence, shift summaries, arrest lists, personnel sign-in roster, Aug. 13-14, 2008 in Sun City/Sun City West (Melendres MCSO 001970-98)
103	Email dated August 15, 2008 re "Sun City Detail 08/13 and 08/14" (Melendres MCSO 001974)
104	MCSO Crime Suppression / Saturation Patrol Arrest List, and Sign-in Roster for Sun City (Melendres MCSO 001978-95)
107	Aug. 5, 2008 internal MCSO email re named plaintiffs in lawsuit (Melendres MCSO 008968)
108	Emails dated May 6 & 7, 2008 attaching Shift Summaries of saturation patrols in Fountain Hills (Melendres MCSO 014432-36 / Exhibit 8 to the deposition of Brian L. Sands, taken on December 14, 2009)
109	Email correspondence, patrol statistics, Aug. 19, 2008 in Cave Creek (Melendres MCSO 014458-59)
110	Email originally dated January 11, 2009 re "Interdiction & Crime Suppression Detail 01-10-2009_Two Day Totals" (Melendres MCSO 014484-85)
111	Operations plan, maps of southwest valley, illegal immigration activity and crime statistics for 2008, officer safety bulletin, email correspondence, patrol statistics, personnel sign-in roster, arrest lists, Jan. 9-10, 2009 in Buckeye (Melendres MCSO 014484-87; MCSO 014632-4)
112	Email correspondence, patrol statistics, arrest list, Sept. 4, 2008 in Cave Creek (Melendres MCSO 014496-99)
113	Shift summary Jan. 4, 2008 at 24th and Bell Rds. in Phoenix (Melendres MCSO 014512)

Trial Exh. No.	Description
114	Shift summaries and email correspondence re: patrol statistics, Oct. 2007-Mar. 2008 smaller operations near 32nd/36th St. & Thomas Rd. in Phoenix (Melendres MCSO 014519, 014525, 014533, 014537, 014659, 014663-67, 014672-73, 014678, 014693, 014876-77, 014893, & 014909)
115	Email dated March 17, 2008 from M. Madrid regarding "36th Street and Thomas stats" (Melendres MCSO 014537 / Exhibit 9 to the Deposition of Joseph Sousa taken on December 10, 2009)
116	Email originally dated 3/22/2008 re "Saturation patrol on 3/22/08" (Melendres MCSO 014541)
117	Email correspondence; patrol statistics, July 8, 2008 in Cave Creek (Melendres MCSO 014586-87)
118	Email originally dated March 28, 2008 re "Saturation patrol stat form 3/28/08-Cave Creek & Bell & totals for the two day operation" (Melendres MCSO 014644-45)
119	Shift summary for February 29, 2007 in Avondale (Melendres MCSO 014651-52)
120	Email originally dated November 15, 2007 re "Saturation patrol, 11/15/07" for area of Stapley & Main in Mesa (Melendres MCSO 014670)
121	Email re Nov. 14, 2007 in Cave Creek (Melendres MCSO 014671)
122	Email originally dated September 24, 2007 re "Good Sheppard of the Hills (Cave Creek Church)" (Melendres MCSO 014686)
123	Email originally dated October 22, 2007 re "Fountain Hills Detail" (Melendres MCSO 014691-92)
124	Email from 25th St. and Bell Rd. supporter (Melendres MCSO 014707)
125	Email originally dated Oct. 11, 2008 re stats of "Saturation Patrol 7th Street and Thunderbird" (Melendres MCSO 014715)
126	Email chain, originally dated September 27, 2007 re "Cave Creek day labors and tip line" (Melendres MCSO 014861 / Exhibit 2 to the deposition of Carlos

Trial Exh. No.	Description
	Rangel, taken on October 20, 2009)
127	MCSO Enforcement Support Division Operations Plan, Southeast Valley, Human Smuggling Interdiction / Crime Suppression Patrol, for July 23-25, 2009 (Melendres MCSO 056999-57001)
128	MCSO Crime Suppression / Saturation Patrol Arrest List, July 23-24, 2009 (Melendres MCSO 057029)
129	Email, originally dated 10/4/2007 re "Queen Creek Detail" from Manuel Madrid (Melendres MCSO 014865-66 / Exhibit 5 to the deposition of Joseph Sousa, taken on December 10, 2009)
130	INTENTIONALLY LEFT BLANK
131	Email dated October 15, 2007, re HSU detail near 36th and Thomas (Melendres MCSO 014876-877 (dup) MCSO 071618 / Exhibit 4 to the October 20, 2009 deposition of Rangel)
132	MCSO Policy & Procedure document, Subject of Traffic Law Enforcement Guidelines, effective 12-29-05 (Melendres MCSO 014913-16 / Exhibit 4 to the deposition of Matthew Lucas Ratcliffe, taken on October 15, 2009)
133	MCSO Policy and Procedure on Subject Search and Seizure, dated 9-16-06 (Melendres MCSO 014917-25)
134	MCSO Policy and Procedure on Subject Traffic Violator Contacts and Citation Issuance, dated 10-03-06 (Melendres MCSO 014926-28)
135	Human Smuggling Unit growth time line, April of 2006 - 2007 (Melendres MCSO 014930 / Exhibit 9 to the deposition of Bennie R. Click, taken on March 18, 2011)

Trial Exh. No.	Description
136	MCSO's <i>The Briefing Board</i> , Number 08-52, October 21, 2008, re Illegal Immigration Enforcement Protocol (Melendres MCSO 014951-53)
137	MCSO Operation Manual re Human Smuggling Unit Standard Operating Procedures, revised 10-30-08 (Melendres MCSO 014956)
138	MCSO Memorandum re "Enforcement Support Protocol for Response to Human Smuggling Cases" dated April 20, 2006 (Melendres MCSO 014961-65)
139	MCSO Policy and Procedure on Subject Arrest Procedures, dated 11-03-00 (Melendres MCSO 014968-76)
140	MCSO CAD/RMS codes (Melendres MCSO 015012-14)
141	Model Lesson Plan: Laws of Arrest (Melendres MCSO 015055-87)
142	Arizona Peace Officer Standards and Training Board, 585-Hour Basic Curriculum, Model Lesson Plan, Lesson Title: Search and Seizure 2.3, dated July 2006 (Melendres MCSO 015088-112 / Exhibit 6 to the deposition of Bennie R. Click, taken on March 18, 2011)
143	Arizona Peace Officer Standards and Training Board, Model Lesson Plan: Cultural Awareness (Melendres MCSO 015258-306)
144	Arizona Peace Officer Standards and Training Board, 585-Hour Basic Curriculum, Model Lesson Plan, Lesson Title: Traffic Citations 4.2, Revised March 2008 (Melendres MCSO 015180-15201)
145	MCSO Operation Clean House, Date of Operation 2/11/09 (Melendres MCSO 015468-84)
146	Enforcement Support Division, Operations Plan, Southwest Valley, Human Smuggling Interdiction / Crime Suppression Patrol January 9-10, 2009 (Melendres MCSO 015553-59 / Exhibit 6 to the Initial Expert Report of Ralph B. Taylor)

Trial Exh. No.	Description
147	Email dated January 11, 2009 re "Interdiction & Crime Suppression Detail 01-10-2009_Two Day Totals" for area of Southwest Valley, and attaching stats for January 9-10 (Melendres MCSO 015560-65)
148	January 9-10, 2009 Sign-in Roster for Operation: Southwest Valley and MCSO Interdiction Patrol for Human Smuggling / Crime suppression Totals (Melendres MCSO 015566-77 / Exhibit 7 to the Initial Expert Report of Ralph B. Taylor (MCSO 15566 - 15569) / Exhibit 8 to the Initial Expert Report of Ralph B. Taylor (MCSO 015576-15577)
149	MCSO III Strike Team statistics (Melendres MCSO 016218)
150	MCSO Operational Manual, Human Smuggling Unit Standard Operating Procedures, Revised on 10-30-08 (Melendres MCSO 016219-20)
152	MCSO Policy & Procedure document, Subject of Code of Conduct, dated 08-20-99 (Melendres MCSO 016296-309)
153	MCSO Arizona Ticket and Complaint Form (Melendres MCSO 016857, 16918)
156	287(g) Personnel Assignments (Melendres MCSO 021382-84)
164	Enforcement Support Division, Operations Plan, Southwest Valley, Human Smuggling Interdiction / Crime Suppression Patrol April 23-24, 2009 (Melendres MCSO 056976-82)
165	Email dated April 25, 2009 re "Interdiction & Crime Suppression Detail 04-23 & 04-24 2009_Two Day Totals" (Melendres MCSO 056983)
166	MCSO Crime Suppression / Saturation Patrol Arrest List, April 23-24, 2009 (Melendres MCSO 056988-90)
167	Sign-in Roster, dated 04-23 and 04-24-2009 for

Trial Exh. No.	Description
	Operation: West Valley (Melendres MCSO 056991-98)
168	Enforcement Support Division Operation Intel, Southeast Valley, Human Smuggling Interdiction / Crime Suppression Patrol, July 2009; Arrest Lists; Email dated July 25, 2009 re summary of Crime Suppression Patrol (Melendres MCSO 057002-57028)
169	Enforcement Support Division Operations Plan, Durango/35th Avenue Corridor, Human Smuggling Interdiction / Crime Suppression Patrol, September 5-6, 2009 (Melendres MCSO 057030-34)
170	Sign-in Roster and Arrest Lists, dated September 5-6, 2009 (Melendres MCSO 057035-45)
171	Email dated September 7, 2008, re "Crime Suppression Shift Summary Totals" (Melendres MCSO 057046-47)
172	MCSO Internal Investigations Policy & Procedure (Melendres MCSO 057566-70)
173	Email dated October 15, 2009 subject "Effective Immediately" re deputies who are 287g certified to cease actions (Melendres MCSO 058704-705)
174	Enforcement Support Division Operations Plan, Northwest Valley, Human Smuggling Interdiction / Crime Suppression Patrol, October 16-17, 2009. Arrest Lists, Sign-in Rosters, email with totals (Melendres MCSO 058708-30)
175	Email originally dated May 29, 2009 re "Saturation patrol 05/29/09" in District II (Melendres MCSO 059523-24)
176	Enforcement Support Division Operations Plan, Maricopa County, Human Smuggling Interdiction / Crime Suppression Patrol, November 16-18, 2009 (Melendres MCSO 059649-54)
177	Sign-in Roster, November 16, 2009 (Melendres MCSO 059656-59)
178	MCSO Arrest List (Melendres MCSO 059660-62)
179	Sign-in Roster, November 17, 2009 (Melendres MCSO 059664-65)
180	MCSO Arrest List (Melendres MCSO 059666-67)

Trial Exh. No.	Description
181	MCSO Interdiction patrol for human smuggling / Crime suppression Totals, November 16-17, 2009 (Melendres MCSO 059668, 59689)
182	MCSO Interdiction patrol for human smuggling / Crime suppression Totals, November 16, 2009 (Melendres MCSO 059668-59688)
183	MCSO News Brief, dated April 5, 2008 re "Guadalupe Crime Suppression Operation Complete" (Melendres MCSO 068349)
184	MCSO News Release, dated March 29, 2007 "Arpaio Deploys First of 160 Deputies & Officers in Comprehensive Fight Against Illegal Immigration" (Melendres MCSO 068373-74)
186	MCSO News Release dated July 8, 2008 "Sheriff's Deputies Saturate Cave Creek in Crime Suppression Operation" (Melendres MCSO 068331)
190	Complete file re IA investigation into Mayor Phil Gordon's letter, IA #2008-083 (Melendres MCSO 069274-359)
191	Email chain, last dated September 4, 2007 re "FW: ak" containing attachment of The Mexican 300 video (Melendres MCSO 069381-82 / Exhibit 5 to the deposition of Carlos Rangel, taken on November 8, 2010)
192	Email dated November 20, 2007 from Manuel Madrid, "Saturation Patrol 36th Street and Thomas 11/21/07" (Melendres MCSO 069550 / Exhibit 5 to the deposition of Manuel Joseph Madrid, taken on October 20, 2010)
194	Oct. 3, 2008 email to Hendershott, Sands; forwarded to Palmer, Rangel, Madrid, Armendariz (Melendres MCSO 070577)
196	March 14, 2008 email from Sousa to various (Melendres MCSO 070839-40)
199	Jan. 8, 2008 email from Sousa to various RE "Stats" and attaching HSU status as of 01-08-08 (Melendres MCSO 071352-53)

Trial Exh. No.	Description
200	May 6, 2008 email from Sousa to Plata RE "New Protocol put in place for ICE" (Melendres MCSO 071789-90)
201	Aug. 14, 2007 letter from SAC Pena to State Rep. Miranda; Arpaio forwards to Sands, Hendershott, and others (Melendres MCSO 071805-07)
207	INTENTIONALLY LEFT BLANK
210	Listing of comments made by Arpaio to May's statements, 4/16/2008 (Melendres MCSO 072766-68)
213	MOA between MCSO and ICE (Melendres MCSO 073327-42)
215	Email dated January 21, 2009 to The Class West re "Requested response by Sheriff from Paula", thanking them for support (Melendres MCSO 074146)
219	Email chain, last dated 10/4/2007 "FW: Corner of Queen Creek & Ellsworth" re day laborers (Melendres MCSO 075244-47 / Exhibit 30 to the deposition of Joseph Arpaio, taken on November 16, 2010)
221	Letter dated June 27, 2008 from Richard H to Chief Gascon (Melendres MCSO 075284 / Exhibit 14 to the deposition of Joseph Arpaio, taken on November 16, 2010)
224	July 25, 2009 Arpaio notes on conversation with Matt Allen (Melendres MCSO 075444-45)
240	July 25, 2008 letter from Arpaio to Sharon Murphy (Melendres MCSO 076133)
244	Letter dated May 24, 2008 from Jack S to Sheriff Joe (Melendres MCSO 076195 / Exhibit 22 to the deposition of Joseph Arpaio, taken on November 16, 2010)
250	Letter dated June 24, 2008 to Chief George Gascon from Sheriff Arpaio (Melendres MCSO 076995)

Trial Exh. No.	Description
265	Operations Plan for Nov. 16-18, 2009, attached to Nov. 10, 2009 email from Sousa to Palmer, Sands Melendres MCSO 078443-50
266	Sept. 22, 2009 Shift Summary by Madrid (Melendres MCSO 078551)
267	Operations Plan attached to Oct. 14, 2009 email from Palmer to Sousa (Melendres MCSO 078678-85)
268	Feb. 13, 2009 email from Palmer to Mr. Pacheco (Melendres MCSO 078945-46)
269	July 17, 2009 email from Palmer to Sousa (Melendres MCSO 079204-05)
270	Oct. 19, 2007 email from Ross to Sousa et al. (Melendres MCSO 080278-81)
271	Sept. 12, 2007 email from Siemens to McCall (Melendres MCSO 080382-86)
272	June 18, 2007 email from Baranyos to Stevens (Melendres MCSO 080471)
273	Jan. 3, 2008 email from Baranyos to Sousa and various (Melendres MCSO 080669)
274	Sept. 19, 2008 email from Sousa to Palmer (Melendres MCSO 080707-08)
275	Apr. 8, 2008 email from Trombi to Sousa (Melendres MCSO 080768)
276	Jan. 2, 2008 email from Baranyos to Madrid, Sousa (Melendres MCSO 080811)
277	Mar. 13, 2008 email from Baranyos to Madrid, Sousa (Melendres MCSO 080819)
278	June 25, 2008 email from Palmer to Armendariz (Melendres MCSO 081359)
279	Email chain last dated April 15, 2008 re "Enforce EVENT numbers" and prior chain re "287g Deputies" (Melendres MCSO 081362-66 / Exhibit 3 to the deposition of Joseph Sousa, taken on October 22, 2010)
280	Email chain dated October 13, 2009 re "Tuesday in Anthem???" (Melendres MCSO 081403)
281	MCSO Crime Analysis Services Brochure (Melendres MCSO 081425-26)
282	Dec. 17, 2008 email from Palmer to Collins/Sousa (Melendres MCSO 081512-14)

Trial Exh. No.	Description
283	Operations plan attached to July 5, 2007 email from Siemens to Sands, Madrid (Melendres MCSO 081548-51)
284	July 27, 2008 Shift Summary (Melendres MCSO 095907)
285	MCSO Operation Manual re Human Smuggling Unit Standard Operating Procedures, revised 05-22-08 (Melendres MCSO 095926-29)
286	Email correspondence, patrol statistics, Jan. 23, 2009 at 7th St & Thunderbird (Melendres MCSO 14494-95)
287	Email chain originally dated December 1, 2007 re "detail, 12/1" / Shift Summary for 12/5/07 / Email originally dated 12/8/2007 re "detail, 12/08/07" / Shift Summary 12/14/07 / Aguila Saturation Patrol Totals 12-14-07 to 12-15-07 / Email originally dated December 19, 2007 re "detail, 12/19/07" / Shift Summary 12/22/07 (Melendres MCSO 14665-66; MCSO 14900; MCSO 14663-64; MCSO 14905-07; MCSO 14659; MCSO 14909)
288	B1/B2 Visa, Nov. 13, 2007 I-94, Jan. 9, 2009 I-94 and Federal Mexican Voter ID (ORT 000001 / ORT 000012-13)
289	April 29, 2008 letter Andrew Thomas to Sheriff Arpaio (ORT 000002-11)
290	Memorandum of Agreement (ORT 000014-29)
291	Fact Sheet: Delegation of Immigration Authority (ORT 000030-36)
307	MCSO News Brief, dated September 27, 2007 "Sheriff's Office Not Waiting for Loitering and Soliciting Ordinance to Take Effect" (ORT 000103)
308	MCSO News Release, dated October 4, 2007, "Sheriff Arpaio Goes After Day Laborers" (ORT 000104 / Exhibit 10 to the deposition of Joseph Arpaio, taken on December 16, 2009)
309	MCSO News Release dated December 5, 2007 "Arpaio Intensifies Presence at Pro-Illegal Immigration Protest at Pruitt's" (ORT 000105-06)

Trial Exh. No.	Description
310	MCSO News Release, dated January 18, 2008, "Sheriff Mobilizes Posse in Central Phoenix" (ORT 000107-108 / Exhibit 11 to the deposition of Joseph Arpaio, taken on December 16, 2009)
311	MCSO News Release dated March 27, 2008 "Arpaio's Crime Suppression Operation Migrates North to Bell Road" (ORT 000109-110)
312	MCSO News Brief dated March 28, 2008 "News from the Sheriff's Office" (ORT 000111)
313	MCSO News Release dated April 3, 2008 "Sheriff's Crime Suppression Operation Moves to Guadalupe" (ORT 000112-113)
314	MCSO News Release dated April 4, 2008 "Sheriff's Operation in Guadalupe Returns" (ORT 000114)
315	MCSO Press Release, "Sheriff's Deputies Arrest Thirteen Illegal Aliens in the City of Mesa" (May 8, 2008) (ORT 000115)
316	MCSO News Release dated June 26, 2008 "Sherriff's Crime Suppression/Illegal Immigration Operation Moves Into Mesa" (ORT 000116 / Exhibit 1 to the deposition of Louis DiPietro, taken on October 21, 2009)
317	MCSO News Release, dated February 3, 2009, "Arpaio Orders Move of Hundreds of Illegal Aliens to Their Own Tent City" (ORT 000117-118 / Exhibit 21 to the deposition of Joseph Arpaio, taken on December 16, 2009)
320	Jeffrey S. Passel and David L. Word, "Constructing the List of Spanish Surnames for the 1980 Census: An Application of Bayes' Theorem," U.S. Bureau of the Census (1980) (ORT 000245-350)

Trial Exh. No.	Description
326	MCSO public records request for personnel file (ORT 000383-406)
327	Documents received pursuant to FOIA (ORT 000410-16; ICE docs 42-43)
328	MCSO News Release, dated July 20, 2007, "Sheriff's Crackdown on Illegal Immigration Heats Up, Hundreds of deputies/volunteer posse targeting profile vehicles, Arpaio Opens Hotline for Citizens to Report Illegal Aliens" (ORT 000421-422 / Exhibit 7 to the deposition of Joseph Arpaio, taken on December 16, 2009 / Exhibit 4 to the Initial Expert Report of Ralph B. Taylor)
329	MCSO News Release dated August 8, 2007 "Sheriff's Anti-Human Smuggling Unit Arrests 8 More Illegals" (ORT 000423)
330	MCSO News Brief dated July 15, 2008 "Mesa Crime Deterrence Operation" (ORT 000424)
331	MCSO News Release dated August 13, 2008 "Sheriff Intensifies Search for Human Smugglers" (ORT 000425-26)
332	MCSO News Brief dated September 4, 2008 "Sheriff's Crime Suppressions Arrest Eleven More Illegal Aliens in Cave Creek" (ORT 000427)
333	MCSO News Release dated January 8, 2009 "Sheriff's Crime Suppression and Human Smuggling Operation Comes to Buckeye Area" (ORT 000428-429)
334	MCSO News Release dated April 23, 2009 "Sheriff Plans Two Day Crime Suppression Crackdown" (ORT 000430)
342	MCSO News Release dated July 23, 2009 "Sheriff Joe Arpaio Says It Is Business As Usual" (ORT 000499-500)
343	MCSO News Release dated October 6, 2009 "Department of Homeland Security Decides to Strip Arpaio's Office of Its Federal Immigration Status Arpaio Outraged...." (ORT 000522-525)

Trial Exh. No.	Description
345	May 2, 2007 I-94 (ORT 000550-51)
349	MCSO News Release dated October 16, 2009 "Sheriff Arpaio: 'Nothing Changes'" (ORT 000613-14)
350	MCSO News Release dated October 19, 2009 "Weekend Crime Suppression Operation Concludes" (ORT 000615)
351	MCSO News Release dated November 16, 2009 "Sheriff Arpaio Launches County-Wide Crime Suppression / Illegal Immigration Operation" (ORT 000623-24)
353	MCSO News Release dated April 28, 2009 "Arpaio Says Swine Flu Underscores Need for Illegal Immigration Enforcement" (ORT 000637-39)
358	MCSO News Release dated March 1, 2010 "Sheriff's Patrol Deputies Ramping Up Enforcement of Human Smuggling Laws" (ORT 001237)
359	MCSO News Release dated March 18, 2010 "Arpaio Announces 14th Crime Suppression Operation as Human Smuggling Arrests Have Dramatically Increased This Year..." (ORT 001239-40)
360	MCSO News Release dated March 19, 2010 "Sheriff Joe Arpaio Announces an Upcoming 15th Crime Suppression Operation" (ORT 001241-242)
361	MCSO News Release dated April 6, 2010 "Sheriff Arpaio Will Conduct 15th Suppression Operation in High Crime Neighborhood in Phoenix" (ORT 001244-245)
362	MCSO News Release dated April 29, 2010 "Sheriff Arpaio Kicks off 15th Crime Suppression / Illegal Immigration Operation" (ORT 001249-250)
363	MCSO News Release dated April 30, 2010 "15th Crime Suppression / Illegal Immigration Operation Has Successful First Day" (ORT 001251)
364	MCSO News Release dated June 29, 2010 "Sheriff Arpaio to Citizens of Arizona 'Do Not Worry About Federal Government's Threat to Sue State - It's An Intimidation Tactic'" (ORT 001257-58)
368	Ortega Melendres Visa and Mexican ID (ORT 12-13)

Trial Exh. No.	Description
369	Thank you letter from Arpaio to Mr. Se, dated February 24, 2009 (OSLS 000028)
370	Thank you letter from Arpaio to Ms. B, dated July 26, 2007 (OSLS 000121)
392	Defendant Maricopa County Sheriff's Office Answers to Plaintiffs' First Set of Interrogatories dated March 27, 2009
393	Defendant Maricopa County Sheriff's Office Response to Plaintiffs' First Set of Request for Production of Documents and Things
394	Defendant Maricopa County Sheriff's Office Response to Plaintiffs' Second Set of Requests for Admission and Requests for production and Third Set of Interrogatories (Exhibit 5 to the Initial Expert Report of Ralph B. Taylor)
395	Email chain, last dated June 13, 2009 from Brett Palmer re "FW: Thought you'd find this interesting...." (Exhibit 6 to the deposition of Ramon Charley Armendariz, taken on November 8, 2010)
396	Excerpts from the book "Joe's Law" by Sheriff Joe Arpaio and Len Sherman (Exhibit 1 to the deposition of Joseph Arpaio, taken on December 16, 2009)
397	Hand drawing of intersection (Exhibit 13 to the November 24, 2009 Deposition of Armendariz)
402	Report of Steven Camarota, Ph.D., Hispanic Surname Analysis of Maricopa County Sheriff's Office Patrol Activity 2005 to 2009 dated January 20, 2011
406	MCSO CAD Incident Report, Incident #MA08054585 / (Exhibit 9 to the November 24, 2009 Deposition of Armendariz / Exhibit 3 to the Initial Expert Report of Ralph B. Taylor)
411	Photos (Exhibit 24 to the November 24, 2009 Deposition of Armendariz)
1005	Memorandum from Deputy M. Ratcliffe, #1553 to Sgt. Wes Ellison, #752 re Complaint/Rodriguez (Melendres MCSO 056862)
1006	MCSO Traffic Ticket and Complaint #684751 re David Rodriguez with charge of Failure to Obey a Traffic Control Device (Melendres MCSO 056863)
1017	Photographs (4) of Quik Stop

Trial Exh. No.	Description
	(Ex. 24A – 24D, to C. Armendariz Depo (Vol. I)
1018	Audio CD re 911 call from Manuel’s Repair Shop (Melendres MCSO 000031)
1020	03/28/08 MCSO CAD Incident History (Melendres MCSO 001817-1820)
1043	08/29/08 e-mail (Redacted) from Richard H. to Laurie Roberts at Arizona Republic (Carveout MCSO 209953-54 Melendres MCSO 076044-45)
1045	Book about illegal immigration authored by Diana E. (Melendres MCSO 074447-74738)
1070	Expert Report of Bennie Click dated January 21, 2011
1106	Operations Manual, Human Smuggling Unit Standard Operating Procedures (Melendres MCSO 014954-60)
1114	MCSO Policy EB1 re Traffic Law Enforcement Guidelines (Melendres MCSO 014935-38)
1115	MCSO Policy EB-2 re Traffic Violator Contacts and Citation Issuance (Melendres MCSO 014939-41)
1116	MCSO Policy GJ-3 Policy re Search and Seizure (Melendres MCSO 014942-50)
1117	MCSO Policy EA-11 re Arrest Procedures (Melendres MCSO 014968-93)
1118	MCSO Policy EA-3 re Field Interviews (Melendres MCSO 014911-12)
1119	Human Smuggling Unit growth time line (Melendres MCSO 014910)
1120	HSU Triple I Stats as of 11/10/09 (Melendres MCSO 059586)
1140	09/27/07 Cave Creek Saturation Patrol Documents (Melendres MCSO 014079)
1141	10/04/07 Queen Creek Saturation Patrol Documents (Melendres MCSO 014036-14037; 014865-14866; 015466-15467)
1142	10/09/07 Queen Creek Saturation Patrol Documents (Melendres MCSO 014870-14871)
1149	11/19/07 Wickenburg Saturation Patrol Documents (Melendres MCSO 014669)
1152	12/01/07 36 th Street and Thomas Road Saturation Patrol Documents (Melendres MCSO 014665-14667)
1160	01/18-01/19/08 32 nd Street and Thomas Road Saturation Patrol Documents (Melendres MCSO

Trial Exh. No.	Description
	001825-1833; 014041-14049; 014704; 015767-15775)
1163	02/20/08 Wickenburg Saturation Patrol Documents (Melendres MCSO 014653-14654)
1165	03/17/08 Wickenburg Saturation Patrol Documents (Melendres MCSO 014712)
1166	03/21/-03/22/08 32 nd Street and Thomas Roads Saturation Patrol Documents (Melendres MCSO 001837-1842; 014071-14074; 014099-14101; 014541-14543; 014696-14697)
1167	03/27-03/28/08 Cave Creek and Bell Road MCSO Documents (Melendres MCSO 001847-1852; 014093-14098; 014547-14548; 014644-14646; 015750-15764)
1168	04/03-04/04/08 Guadalupe MCSO Documents (Melendres MCSO 001861-1877; 014109-14121; 014549-14554; 015638-15651)
1169	05/06-05/07/08 Fountain Hills MCSO Documents (Melendres MCSO 014038; 014433-14434, 14436)
1170	06/26-06/27/08 Mesa MCSO Documents (Melendres MCSO 001899-1925; 014218-14251; 014576-14582; 015597-15630)
1171	07/05/08 Mesa MCSO Documents (Melendres MCSO 014191-14198; 014583-14585; 015798-15805)
1172	07/08/08 Cave Creek MCSO Documents (Melendres MCSO 014586-14587; 015464-15465; 014700)
1173	07/14/08 Mesa MCSO Documents (Melendres MCSO 001941-1947; 014588-14590; 015518-15525)
1174	07/31/08 Food Vendor Detail, Maryvale MCSO Documents (Melendres MCSO 001957-1969;014261-14294; 014607; 015713-15716)
1175	08/13-08/14/08 Sun City/Sun City West/US 60/I-17 MCSO Documents (Melendres MCSO 001974-1998; 014178-14190; 014608-14609; 15529-15552; 001970-1973; 014175-14177; 015526-15528)
1176	08/13/08 I-17 & Mile Post 234 (north of Anthem) MCSO Documents (Melendres MCSO 014080-14090; 014612)

Trial Exh. No.	Description
1180	01/09-01/10/09 Town of Buckeye MCSO Documents (Melendres MCSO 014484-14487; 014632-14634; 015460-15463; 015560-15577; 015553-15559; 015497-15499)
1185	04/23-04/24/09 West Valley – Buckeye, Avondale, Goodyear, Tolleson, Gila Bend, Tonopah MCSO Documents (Melendres MCSO 056983-56998; 056976-56982)
1186	07/23-07/25/09 Southeast Valley – Chandler, Tempe, Gilbert, Queen Creek MCSO Documents (Melendres MCSO 057005-57029; 056999-57004)
1187	09/05-09/06/09 Durango and 35 th Avenue Corridor MCSO Documents (Melendres MCSO 057040-57052; 057030-57039)
1189	11/16-11/18/09 Maricopa County MCSO Documents (Melendres MCSO 059602-59648;059655-59707; 59649-59654)
1190	Department of Homeland Security Officer Training Manual (Melendres MCSO 000038-1784)
1194	U.S. DOJ article, “Guidance Regarding the Use of Race by Federal Law Enforcement Agencies” (ORT 000037-46)
1195	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re Law Enforcement Services 1.3 (Melendres MCSO 015015-40)
1196	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re Ethics and Professionalism (Melendres MCSO 015041-54)
1199	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re Patrol and Observation (Melendres MCSO 015127-69)
1201	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re Title 28 – Traffic Law 4.6 (Melendres MCSO 015202-57)
1203	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re

Trial Exh. No.	Description
	Police and the Community 6.5 (Melendres MCSO 015307-29)
1204	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High Risk Vehicle Stops Instructor 8.4 Section I: Introduction to Course (Melendres MCSO 015330-34)
1205	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High-Risk Vehicle Stops Instructor 8.4 Section II: Pre-Stop Procedures (Melendres MCSO 015335-39)
1206	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High Risk Vehicle Stops Instructor 8.4 Section III: Vehicle Positioning (Melendres MCSO 015340-44)
1207	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High-Risk Vehicle Stops Instructor 8.4 Section IV: Removal of Subject(s) from the Vehicle (Melendres MCSO 015345-49)
1208	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High-Risk Vehicle Stops Instructor 8.4 Section V: Clearing the Suspect Vehicle (Melendres MCSO 015350-54)
1209	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re High Risk Vehicle Stops Instructor 8.4 Section VI: Clearing Unconventional Vehicles (Melendres MCSO 015355-58)
1211	Lesson Plan, Vehicle Position (Melendres MCSO 015411-22)
1212	Lesson Plan, High Risk Vehicle Stops Instructor (Melendres MCSO 015423-34)
1213	Arizona Peace Officer Standards and Training Board 585-Hour Basic Curriculum Model Lesson Plan re Search and Seizure 2.3 (Melendres MCSO 015435-59)

Exhibit No.	Defendants' Objections	Description
14	Relevance	Report attached to June 11, 2009 email from Joya to Rangel (Carveout MCSO 0002221)
15	Objection cumulative to Exhibit 2	Email chain last dated June 13, 2009 "FW: Thought you'd find this interesting" (Carveout MCSO 0002520)
21	Relevance	Email chain dated July 16, 2008 with article "Sheriff Arpaio Sued Over Racial Profiling of Latinos in Maricopa County" (Carveout MCSO 0031088-89)
22	Relevance	Email chain dated July 16, 2008 with article "Sheriff Arpaio Sued Over Racial Profiling of Latinos in Maricopa County" (Carveout MCSO 0031142-43)
23	Relevance	Email chain dated July 16, 2008 with article "Sheriff Arpaio Sued Over Racial Profiling of Latinos in Maricopa County" and inquiring re arrest logs. (Carveout MCSO 0031188-89)
24	Relevance	Email dated July 16, 2008 with article "Sheriff Arpaio Sued Over Racial Profiling of Latinos in Maricopa County" (Carveout MCSO 0033792-93)
25	Relevance/foundation	Undated Attachments to Unknown emails (Carveout MCSO 0035258-82)
26	Objection cumulative to Exhibit 7.	Email chain last dated May 1, 2008 re "MORE Mexican Words of the Day" (Carveout MCSO 0035727-28)
27	Objection cumulative to Exhibit 7.	Email chain last dated May 1, 2008 re "MORE Mexican Words of the Day" (Carveout MCSO 0035735-36)
28	Objection cumulative to Exhibit 7.	Email chain last dated May 1, 2008 re "MORE Mexican Words of the Day" (Carveout MCSO 0035743-44)
33	Relevance, hearsay, 403	July 14, 2008 email to Sands (Carveout MCSO 0193073)

Exhibit No.	Defendants' Objections	Description
34	Relevance, hearsay, 403	Email chain dated August 29, 2008 re "Fw: Sheriff Joe, racial profiling, et al." (Carveout MCSO 0209953-54)
36	Relevance; hearsay; foundation	Email dated January 17, 2010 re "How to Destroy America, from a liberal 4 term governor from Colorado who gets it" (Carveout MCSO 0282787-90)
37	Relevance, hearsay, 403, authenticity	Dec. 1, 2009 email to Hendershott (Carveout MCSO 0284113-21)
38	Relevance, hearsay, 403	Email dated January 9, 2010 re "Fwd: HOOVER, TRUMAN, AND IKE!" (Carveout MCSO 0295020-22)
39	Relevance, hearsay, 403, authenticity	Email dated January 3, 2010 re "Illegal immigration, et al." (Carveout MCSO 0297781)
40	Relevance, hearsay, 403	Email dated October 5, 2007 re ""PPD Statements re: "Day Labor" Enforcement - Found word(s) check out in the Text body" (Carveout MCSO 0344426-27)
41	Cumulative to Exhibit 1	Mar. 11, 2009 email from Sousa to Siemens, Rios (Carveout MCSO 0348209)
42	Cumulative to Exhibit 1	Mar. 10, 2009 email from Paul Tillitson to Paul Fritz and others (Carveout MCSO 0348211-12)
48	Object to attachment as hearsay; cumulative to Exhibit 3	Aug. 3, 2009 email from Wade Voeltz to Palmer (Carveout MSCO 0173580-85)
49	Relevance; hearsay; No foundation	Email chain last dated December 12, 2007 re "Lawsuit Filed" (ICE BS 34758 / Exhibit 57 to the deposition of

Exhibit No.	Defendants' Objections	Description
		Jason Douglas Kidd, taken on October 1, 2010)
51	Relevance	MCSO CAD Incident History, Incident # MA07222209 (MCSO CAD Database)
52	Relevance	MCSO CAD Incident History, Incident # MA08059018 (MCSO CAD Database)
53	Relevance	MCSO CAD Incident History, Incident # MA08095304 (MCSO CAD Database)
54	Relevance	MCSO CAD Incident History, Incident # MA08115843 (MCSO CAD Database)
55	Relevance	MCSO CAD Incident History, Incident # MA08116440 (MCSO CAD Database)
56	Relevance	MCSO CAD Incident History, Incident # MA08116537 (MCSO CAD Database)
57	Relevance	MCSO CAD Incident History, Incident # MA08116713 (MCSO CAD Database)
58	Relevance	MCSO CAD Incident History, Incident # MA09004703 (MCSO CAD Database)
59	Relevance	MCSO CAD Incident History, Incident # MA09107641 (MCSO CAD Database)
60	Relevance	MCSO CAD Incident History, Incident # MA09126932 (MCSO CAD Database)
61	Relevance	MCSO CAD Incident History, Incident # MA09136618 (MCSO CAD Database)
62	Relevance	MCSO CAD Incident History, Incident # MA09150204 (MCSO CAD Database)
63	Relevance	MCSO CAD Incident History, Incident

Exhibit No.	Defendants' Objections	Description
		# MA09163575 (MCSO CAD Database)
64	Relevance	MCSO CAD Incident History, Incident # MA09192105 (MCSO CAD Database)
72	Relevance	(Melendres MCSO 001812-14)
105	Relevance	MCSO Arrest/Booking Records from 7/21/07 (Melendres MCSO 005708-730)
106	Relevance	MCSO Supplemental Report for Occurrence May 19, 2006 (Melendres MCSO 008769-73 / Exhibit 1 to the October 22, 2009 deposition of Beeks)
124	Relevance; 403; foundation; hearsay re attachment	Email from 25th St. and Bell Rd. supporter (Melendres MCSO 014707)
151	Relevance; hearsay; foundation	Diversity in the Workplace: Cultural Awareness Training (Melendres MCSO 016221-354)
154	Relevance; hearsay;	MCSO Incident Report, Persons Supplement, and Narratives for Incident (Melendres MCSO 019474-19486)
155	Relevance;	MCSO intergovernmental agreement with DPS re participation in state Gang Intelligence and Immigration Team Mission (GIITEM) and Illegal Immigration Prevention and Apprehension Co-Op Team (IIMPACT), March 13, 20 (Melendres MCSO 021353-6007)
157	Relevance; hearsay;	MCSO Narrative for February 20, 2008 Human Smuggling Incident (Melendres MCSO 024665-24671)
158	Relevance	MCSO federal funding/grant information (Melendres MCSO 025164-71)
159	Relevance	MCSO Traffic Ticket and Complaint and summary for Armando Alarcon (Melendres MCSO 026743-44)

Exhibit No.	Defendants' Objections	Description
160	Relevance	Arizona Traffic Ticket and Complaint forms (Melendres MCSO 026904, 26936, 27001, 30629, 36541)
161	Relevance	Arizona Traffic Ticket and Complaint forms (Melendres MCSO 030625, 37088)
162	Relevance	MCSO Incident Report, Persons Supplement, and Narratives for Incident (Melendres MCSO 038084-94 / Exhibit 2 to the deposition of Brett Palmer, taken on October 23, 2009)
163	Relevance	MCSO Incident Report for 2/29/08 at Buckeye Rd and 113th Ave (Melendres MCSO 038809-822)
185	Relevance, hearsay, 403	Letter dated July 26, 2007 from Carole V. B. to Joe (Melendres MCSO 068791-92 / Exhibit 42 to the deposition of Joseph Arpaio, taken on November 16, 2010)
187	Relevance, hearsay, 403	Letter dated June 19, 2008 from Gina M to Sheriff Joe (Melendres MCSO 069086-88 / Exhibit 18 to the deposition of Joseph Arpaio, taken on November 16, 2010)
188	Relevance; hearsay	MCSO File, IA #2009-0118, complaint lodged by Katrina Ontiveros (Melendres MCSO 069144-54)
189	Relevance	MCSO File, IA #2008-0134 (Melendres MCSO 069155-273)
193	Relevance	License, Registration, Warrant Checks conducted by MCSO (Disc) (Melendres MCSO 069841)
195	Relevance	Supplemental Reports on May 6, 2008 stop by Armendariz (Melendres MCSO 070688-92)
197	Relevance	Incident report attached to Dec. 11, 2008 email from Perez to Armendariz (Melendres MCSO 071036-38)

Exhibit No.	Defendants' Objections	Description
198	Relevance	Incident report attached to Feb. 19, 2009 email from Almanza to Roland Gonzalez (Melendres MCSO 071256-59)
202	Relevance, hearsay, 403	Email chain dated November 19, 2007 re "Pictures from Sat. Protests" (Melendres MCSO 071945)
203	Relevance, hearsay, 403	Letter to the Editor printed in Nov. 18, 2009 East Valley Tribune. In Arpaio's immigration file. (Melendres MCSO 072038)
204	Relevance, hearsay, 403	Nov. 22, 2009 email from Bill S to Gonzales (Melendres MCSO 072378)
205	Relevance, hearsay, 403	Oct. 28, 2009 letter from William Tibbe, of Infraguard; Arpaio forwards to Sands and Hendershott (Melendres MCSO 072409)
206	Relevance, hearsay, 403	Email dated October 27, 2009 re "Why Sheriff Arpaio, Secretary Napolitano?" (Melendres MCSO 072425 / Exhibit 13 to the deposition of Joseph Arpaio, taken on November 16, 2010)
208	Hearsay; foundation	Article from The Washington Times, published October 14, 2009 "'Toughest sheriff' vows face-off with feds over illegals" (Melendres MCSO 072483-488)
209	Hearsay; foundation	Article from the Mesa Tribune, published October 7, 2009 "Feds strip Arpaio of immigration authority" (Melendres MCSO 072651-652)
211	Relevance, hearsay, 403	Aug. 25, 2008 Letter from Minutemen to Rep. Franks; Arpaio forwards to Sands. (Melendres MCSO 072876-77)
212	Relevance, hearsay, 403	Email dated December 12, 2007 with article "Law suit filed against Maricopa County Sheriff's Office for civil rights

Exhibit No.	Defendants' Objections	Description
		abuse" and typed notes re same (Melendres MCSO 073088-89)
214	Relevance, hearsay, 403	Email chain, last dated January 20, 2009, from The Class West, re "Huffington Post blogs and more..." (Melendres MCSO 074133-34 / Exhibit 2B to the deposition of Joseph Arpaio, taken on November 16, 2010)
216	Relevance, hearsay, 403	Letter dated May 26, 2009 from Stella to Sheriff Arpaio re Mexicans Loitering at 36th Street" (Melendres MCSO 074346 / Exhibit 19 to the deposition of Joseph Arpaio, taken on November 16, 2010)
217	Relevance, hearsay, 403	Excerpts re racial profiling and illegal immigration (Melendres MCSO 074447, 74589-604)
218	Hearsay; foundation	May 3, 2009 article by E.J. Montini in Arizona Republic (Melendres MCSO 075094-95)
220	Relevance, hearsay, 403	Apr. 23, 2008 email to Gonzales; Arpaio forwards to Sands. (Melendres MCSO 075256-57)
221	Relevance, hearsay, 403	Letter dated June 27, 2008 from Richard H to Chief Gascon Melendres (MCSO 075284 / Exhibit 14 to the deposition of Joseph Arpaio, taken on November 16, 2010)
222	Relevance as to Melendres 080774-76; No objection to 08077-78	Shift Summary for Fountain Hills operation on May 5, 2008 (Melendres MCSO 80774-778)
223	Relevance, hearsay, 403	Letter dated May 8, 2008 from Mike S to Sheriff Arpaio (Melendres MCSO 075403-04 / Exhibit 23 to the deposition of Joseph Arpaio, taken on November 16, 2010 / Exhibit 15 to the

Exhibit No.	Defendants' Objections	Description
		deposition of Brian L. Sands, taken on November 15, 2010)
225	Relevance, hearsay, 403	July 10, 2008 letter from Joyce B to Arpaio. (Melendres MCSO 075612-13)
226	Relevance, hearsay, 403	July 16, 2008 letter from Debbie to Arpaio; Arpaio forwards to MacIntyre and Hendershott (Melendres MCSO 075618)
227	Relevance, hearsay, 403	Comments/Support Log for July 21, 2008 (Melendres MCSO 075620 / Exhibit 26 to the deposition of Joseph Arpaio, taken on November 16, 2010)
228	Relevance, hearsay, 403	Comments/Support Log for July 16, 2008 (Melendres MCSO 075622-24 / Exhibit 25 to the deposition of Joseph Arpaio, taken on November 16, 2010)
229	Relevance, hearsay, 403	June 28, 2008 letter from Richard Humphries to Mayor Gordon; Arpaio forwards to Hendershott (Melendres MCSO 075649-51)
230	Relevance, hearsay, 403	West Valley View article, dated September 30, 2008, "Family ties make a difference" (Melendres MCSO

Exhibit No.	Defendants' Objections	Description
		075852 / Exhibit 11 to the deposition of Joseph Arpaio, taken on November 16, 2010)
231	Relevance, hearsay, 403	West Valley View article, dated August 1, 2008, "We need to keep our sheriff" (Melendres MCSO 075859 / Exhibit 12 to the deposition of Joseph Arpaio, taken on November 16, 2010)
232	Relevance, hearsay, 403	Letter to the Editor printed in Oct. 17, 2008 West Valley View. In Arpaio's immigration file. (Melendres MCSO 075872)
233	Relevance, hearsay, 403	Undated document in Arpaio's immigration file (Melendres MCSO 075883)
234	Relevance, hearsay, 403	Aug. 7, 2008 letter from Paula H to Arpaio (Melendres MCSO 076058)
235	Relevance, hearsay, 403	Letter dated August 8, 2008 from Bob & Lynnette W to Sheriff Arpaio (Melendres MCSO 076087-88 / Exhibit 21 to the deposition of Joseph Arpaio, taken on November 16, 2010)
236	Relevance, hearsay, 403	Letter dated August 1, 2008 from Gail v to Sheriff Joe "RE: Want to check out Sun City?" (Melendres MCSO 076091/ Exhibit 11 to the deposition of Brian L. Sands, taken on November 15, 2010)
237	Relevance, hearsay, 403	Letter dated August 1, 2008 from Gail v to Sheriff Joe re "Want to check out Sun City?" (Melendres MCSO 076091 / Exhibit 20 to the deposition of Joseph Arpaio, taken on November 16, 2010)

Exhibit No.	Defendants' Objections	Description
238	Relevance, hearsay, 403	Letter dated July 25, 2008 from Varia S to Sheriff Arpaio (Melendres MCSO 076123 / Exhibit 24 to the deposition of Joseph Arpaio, taken on November 16, 2010)
239	Relevance, hearsay, 403	July 15, 2008 letter from Harold B to Arpaio. (Melendres MCSO 076128-32)
241	Relevance, hearsay, 403	Letter dated July 14, 2008 re illegal immigration and cc'ing Arpaio (Melendres MCSO 076155)
242	Relevance, hearsay, 403	undated email from Charlie E; in Arpaio's immigration file (Melendres MCSO 076160)
243	Relevance, hearsay, 403	Letter dated May 24, 2008 from Jack S to Sheriff Joe (Melendres MCSO 076195 / Exhibit 13 to the deposition of Brian L. Sands, taken on November 15, 2010)
245	Relevance, hearsay, 403	May 15, 2008 letter from Kathleen C to Arpaio. (Melendres MCSO 076251-52)
246	Relevance, hearsay, 403	Email chain dated April 2, 2008 re "Hang in there Joe!" (Melendres MCSO 076267)

Exhibit No.	Defendants' Objections	Description
247	Relevance, hearsay, 403	Undated letter from Jenan N to Arpaio (Melendres MCSO 076292, 76294-96)
248	Relevance, hearsay, 403	Dec. 12, 2005 fax to Arpaio from Dina Galassini; Arpaio forwards to Hendershott (Melendres MCSO 076527)
249	Relevance, hearsay, 403	"Illegal Alien 'Contributions' to the U (Melendres MCSO 076783 / Exhibit 10 to the deposition of Joseph Arpaio, taken on November 16, 2010.S.)
251	Relevance, hearsay, 403	Apr. 15, 2008 letter to Arpaio; Arpaio forwards to Sands (Melendres MCSO 077113)
252	Relevance, hearsay, 403	June 25, 2008 fax from Bridget J to Gascon; in Arpaio immigration file. (Melendres MCSO 077120)
253	Relevance	Arpaio's undated notes on inmates charged with murder (Melendres MCSO 077299)
254	Relevance	Arpaio's undated notes on ethnicity of inmates (Melendres MCSO 077301)
255	Relevance, hearsay, 403	Aug. 16, 2009 article on "Vdare" website; in Arpaio's immigration file (Melendres MCSO 077311-14)
256	Relevance, hearsay, 403	Letter dated February 14, 2009 from John B to Congressman Conyers re Illegal Immigration (Melendres MCSO 077958 / Exhibit 3 to the deposition of Brian L. Sands, taken on November 15, 2010)

Exhibit No.	Defendants' Objections	Description
257	Relevance, hearsay, 403	Mar. 11, 2009 email from Royce F to Arpaio. (Melendres MCSO 078099-101)
258	Relevance, hearsay, 403	Sept. 23, 2009 email from Equity Court Services of Arizona to Gonzales (Melendres MCSO 078131-32)
259	Relevance, hearsay, 403	Sept. 19, 2009 email from Stoller to Gonzales (Melendres MCSO 078136)
260	Relevance, hearsay, 403	Article from Soldier of Fortune dated October 2009, titled "America's Toughest Sheriff"/"World's Toughest Sheriff" (Melendres MCSO 078143-150 / Exhibit 28 to the deposition of Joseph Arpaio, taken on November 16, 2010)
261	Relevance, hearsay, 403	Article from Soldier of Fortune dated November 2009, titled "America's Toughest Sheriff" (Melendres MCSO 078151-55 / Exhibit 27 to the deposition of Joseph Arpaio, taken on November 16, 2010)
262	Relevance, hearsay, 403	Letter dated June 30, 2009 from Sarah M to Sheriff Joe (Melendres MCSO 078209 / Exhibit 17 to the deposition of Joseph Arpaio, taken on November 16, 2010)
263	Reserve objection until plaintiffs' designate which parts they wish to play; relevance	Press Conference (Disc) (Melendres MCSO 078285)
264	Relevance, hearsay, 403	Article from Daily News-Sun dated April 7, 2009 "Profiling is sheriff's best tool" (Melendres MCSO 078287 / Exhibit 43 to the deposition of Joseph Arpaio, taken on November 16, 2010)
292	Relevance, hearsay, 403	Randal Archibold, "Arizona County Uses New Law to Look for Illegal Immigrants," New York Times, May 10, 2006, at A19 (ORT 000051-54)

Exhibit No.	Defendants' Objections	Description
293	Relevance, hearsay, 403	Elias C. Arnold, "52 Arrested in 2-Day Sheriff's Crime Sweep in Southwest Valley," The Arizona Republic, Jan. 13, 2009 (ORT 000055-56)
294	Relevance, hearsay, 403	Lindsey Collom, "Arpaio Slates E. Phoenix Crime Crackdown," The Arizona Republic, Jan. 19, 2008, at B2 (ORT 000057-58)
295	Relevance, hearsay, 403	Tribune article, dated July 11, 2008, "Reasonable Doubt Part III: Sweeps and saturation patrols violate federal civil rights regulations" (ORT 000059-65 / Exhibit 13 to the deposition of Joseph Arpaio, taken on December 16, 2009)
296	Relevance, hearsay, 403	Daniel González, "Arpaio's Sweeps: Are They Allowed?" The Arizona Republic, April 25, 2008 (ORT 000066-68)
297	Relevance, hearsay, 403	Daniel González, "Crime-Suppression Records Raise Suspicions of Racial Profiling," The Arizona Republic, Oct. 5, 2008 (ORT 000069-73)
298	Relevance, hearsay, 403	Katie McDevitt, "Arpaio Rallies Border Patrol Posse: 100 Volunteers Comb County Desert for Illegal Migrants," The Mesa Tribune, May 3, 2006 (ORT 000074-75)
299	Relevance, hearsay, 403	The Arizona Republic article, dated November 18, 2007, "Silence of (elected) lambs) (ORT 000076-77 / Exhibit 17 to the deposition of Joseph Arpaio, taken on December 16, 2009)

Exhibit No.	Defendants' Objections	Description
300	Relevance, hearsay, 403	Article from the Seattle Times, dated May 21, 2006, "Sheriff's illegal-immigrant offer: up to 2 years on a chain gang" (ORT 000078-80 / Exhibit 5 to the deposition of Joseph Arpaio, taken on December 16, 2009)
301	Relevance, hearsay, 403	Jill Redhage, "Arpaio Launches Crackdown on Illegals: About 200 Deputies, Posse on Patrol," The Mesa Tribune, July 21, 2007 (ORT 000082-83)
302	Relevance, hearsay, 403	Article from The Arizona Republic, dated March 2, 2007, "Arpaio Stays Silent on Real ICE Plan" (ORT 000084-85 / Exhibit 6 to the deposition of Joseph Arpaio, taken on December 16, 2009)
303	Relevance, hearsay, 403	Dennis Welch, "Arpaio Clarifies KKK Remarks: Sheriff: It's an Honor Critics Have Stooped to Name-Calling," The Mesa Tribune, Nov. 16, 2007 (ORT 000086-87)
304	Relevance, hearsay, 403	Dennis Welch, "Hispanics in Chandler Fear Another 'Roundup': Some Worry that Arpaio's Sweeps Will Be Repeat of 1997," The Mesa Tribune, April 15, 2008 (ORT 000088-90)
305	Relevance, hearsay, 403	Howard Witt, "Does Crackdown Cross Line? Arizona's Efforts Stir Racial Profiling Claims," Chicago Tribune, May 26, 2008 (ORT 000091-95)
306	Hearsay; foundation; authentication	Transcript of broadcast from ABC <i>Nightline</i> , dated November 6, 2007 (ORT 000096-102)

Exhibit No.	Defendants' Objections	Description
318	Relevance; hearsay; foundation.	Goldwater Institute Policy Report, No. 229, December 2, 2008, Mission Unaccomplished: The Misplaced Priorities of the Maricopa County Sheriff's Office (ORT 000119-14 / Exhibit 25 to the deposition of Bennie R. Click taken on March 18, 20110)
319	Relevance; hearsay; foundation	Aarti Shahani & Judith Greene, "Local Democracy on ICE: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement," Justice Strategies Report (Feb. 2009) (ORT 000141-233)
321	No objection as to 911 calls; object to photos of alleged injuries on grounds on non-disclosure	Nieto's 911 calls and photos of injury (ORT 000370-71 (CDs))
322	Relevance	Audio Recording "Disp/Radio East Broadway & Lindsay" 6/26/2008 (Disc) (ORT 000372)
323	Relevance	Victor D Vasquez Windshield Photos (Disc) (ORT 000373)
324	Relevance; hearsay.	Sarah Fenske, "Mexican Government Denounces Arpaio's Tent City March; Protest Filed with Supervisors," Phoenix New Times, Feb. 24, 2009 (ORT 000375-77)
325	Relevance; hearsay	Yvonne Wingett and Michael Kiefer, "County to probe segregation in jails," Arizona Republic, B3, Feb. 7, 2009 (ORT 000382)
335	Hearsay; no foundation for alleged Arpaio comments	Article from the Phoenix Business Journal dated October 3, 2007 "Arpaio defends illegal immigrant tip line" (ORT 000433)
336	Relevance; hearsay; non-disclosure	June 3, 2009 Interview of Blaine Woodruff (Disc) (ORT 000442)

Exhibit No.	Defendants' Objections	Description
337	Relevance; hearsay	Stephen Lemons, "Ja, Joe! Neo-Nazis and extreme right wingers love Joe Arpaio, and there's evidence that the MCSO keeps them close" Phoenix New Times, May 14, 2009 (ORT 000443-51)
338	Relevance; hearsay; no foundation for alleged Arpaio comments	William Finnegan, "Profiles: Sheriff Joe," New Yorker, July 20, 2009 (ORT 000454-65)
339	Relevance; hearsay	Article from the Tribune, East Valley - Scottsdale dated July 25, 2009 "Arpaio: Deputies taped feds ordering release" (ORT 000466-68)
340	Relevance; hearsay	Article from The Arizona Republic, dated August 5, 2009 "Arpaio's Dilemma, If sweeps not altered, jail help will be lost" (ORT 000469-71)
341	Relevance.	MCSO News Release dated May 6, 2009 "Arpaio to Recruit and Arm Citizens" (ORT 000497-98)
344	Relevance; hearsay.	Article from Men.Style.Com, "The Vigilante, Alexander Provan meets Joe Arpaio, Phoenix's anti-immigration firebrand who's threatening to police the border himself" (ORT 000528-535 / Exhibit 2 to the deposition of Joseph Arpaio, taken on December 16, 2009)
346	Relevance; hearsay	Article from the East Valley Tribune.com, dated October 6, 2009 "Feds strip Arpaio of immigration authority" (ORT 000552-554)
347	Relevance; hearsay	Article from the Huffington Post dated October 7, 2009 "AZ Sheriff Plans to Bus 'Illegals' to the Border after DHS Authority Revoked" (ORT 000557-59)
348	Relevance; hearsay	Article from The Arizona Republic dated October 16, 2009 "Arpaio cites non-existent law in crime-sweep argument" (ORT 000583-84)

Exhibit No.	Defendants' Objections	Description
352	Relevance; hearsay; and no foundation for alleged Arpaio comments	Article from The New York Times dated September 28, 2008 "Challenges to a Sheriff, Both Popular and Reviled" (ORT 000633-36)
354	Relevance; hearsay; Rule 403 unfairly prejudicial	Letter from the U.S. Department of Justice to Sheriff Arpaio re "Investigation of the Maricopa County Sheriff's Office" (ORT 000649-50)
355	Relevance	Maricopa County Law Enforcement Officers Merit System Rules (ORT 001175-223)
356	Relevance; hearsay	JJ Hensley, "All Arpaio's deputies to get immigration training," The Arizona Republic, Feb. 8, 2010 (ORT 001226-27)
357	Relevance; hearsay	Footage from the October 22, 2009 MCSO News Conference (Disc) (ORT 001235)
365	Hearsay; foundation	Department of Homeland Security Office of Inspector General "The Performance of 287(g) Agreements" March 2010 (ORT 001259-1352)
366	Relevance; hearsay	Article from The Arizona Republic azcentral.com dated June 21, 2010 "Sheriff Joe Arpaio's crime sweeps have little effect, analysis shows" (ORT 001359-60)
367	Relevance; hearsay	Article from KGUN9.com dated July 29, 2010 "'Business as usual' -- inside Sheriff Arpaio's latest sweep" (ORT 001366-67)
371	Relevance; hearsay	Letter dated February 8, 2007 to Sheriff Arpaio (OSLS 000591-95)
372	Relevance; hearsay	Letter dated August 16, 2007 to Joe Arpaio from Linda M. (OSLS 001057)
373	Relevance; hearsay	Letter dated August 16, 2007 to Governor of Arizona from Linda M. (OSLS 001058-60)
374	Relevance; hearsay	Letter to Sheriff Joe (OSLS 001235)
375	Relevance; hearsay	Comments/Support Log dated

Exhibit No.	Defendants' Objections	Description
		September 20, 2007 (OSLS 001245-46)
376	Relevance; hearsay	Letter dated March 14, 2009 to Sheriff Joe Arpaio from Scott A. H attaching papers written to the Republic (OSLS 002976-89)
377	Relevance; hearsay	Letter dated March 12, 2009 to Sheriff Joe (OSLS 002990)
378	Relevance; hearsay	Letter dated March 7, 2008 from Mike B. re Racial Profiling (OSLS 003218)
379	Relevance; hearsay	Email chain last dated March 8, 2008 re "Racial profiling" (OSLS 003221)
380	Relevance; hearsay	Letter dated February 12, 2008 to Sheriff Joe Arpaio from Robert L. D (OSLS 003243-44)
381	Relevance; hearsay	Letter dated February 1, 2008 to Sheriff Joe from Garry and Kay R. (OSLS 003259-60)
382	Relevance; hearsay	Letter dated November 30, 2009 to Sheriff Joe Arpaio from Lucia S (OSLS 004172)
383	Relevance; hearsay	Email chain dated October 18, 2009 re "Racial profiling" (OSLS 004525)
384	Relevance; hearsay	Letter dated July 2, 2008 to Senator Miranda and Representative Miranda (OSLS 005154)
385	Relevance; hearsay	Letter dated November 20, 2005 to Sheriff Joe from Stacey O re "Minuteman Project / Illegal Immigration Maricopa Co." (OSLS 005516-18)
386	Relevance	Excerpts from Sheriff's calendar. (OSLS0000171, 174-175, 178-179, 189-190, 303)
387	Relevance	CAD Database (Disc)
388	Relevance	CAD Incident History for Incident No. MA07222209, produced by Defendants to Plaintiffs as part of the Computer Aided Dispatch (CAD) database

Exhibit No.	Defendants' Objections	Description
389	Relevance	Chart of funds to Maricopa County up for Board of Supervisors approval on November 18th (Exhibit 19 to the deposition of Ashmore)
390	Hearsay	Curriculum Vitae of Ralph B. Taylor / (Exhibit 1 to the Initial Expert Report of Ralph B. Taylor)
391	Relevance; hearsay	Declaration of Tammy Charles Leija
398	Hearsay; cumulative	Initial Expert Report of Ralph B. Taylor
399	Hearsay; cumulative	Rebuttal Expert Report of Ralph B. Taylor
400	Hearsay; cumulative	Initial Expert Report of Robert L. Stewart
401	Hearsay; cumulative	Rebuttal Expert Report of Robert L. Stewart
403	Relevance; hearsay	Letter from Timothy J. Casey dated January 7, 2009 enclosing MCSO CAD/RMS codes and MCSO traffic stop data (Exhibit 2 to the Initial Expert Report of Ralph B. Taylor)
404	Relevance; hearsay; no foundation	Maricopa County Board of Supervisors Minute Book, Formal Session, February 20, 2008
405	Relevance; hearsay	Maricopa County Justice Courts, Arizona, Release Order of Sergio Villaman (Exhibit 2 to the Declaration of Sergio Martinez Villaman)
407	Relevance; hearsay	MCSO Inmate Request Form for Sergio Villaman (Exhibit 1 to the Declaration of Sergio Martinez Villaman)
408	Relevance; hearsay; non-disclosure	Memorandum of Understanding (MOU) Between Immigration and Customs Enforcement and Local, County, or State Law Enforcement Agency for the Reimbursement of Joint Operations Expenses from the Treasury Forfeiture Fund

Exhibit No.	Defendants' Objections	Description
409	Relevance; hearsay; foundation	Mexican 300 video (Disc) (Exhibit 6 to the Deposition of Rangel)
410	Relevance; hearsay; foundation	Multimedia files - News Conferences and interviews (Exhibit 20 to the December 16, 2009 Deposition of Sheriff Arpaio (Disc))
412	Hearsay	Plaintiff Manuel de Jesus Ortega Melendres Responses and Objections to Defendant Arpaio First Set of Requests for Admission, Interrogatories and Requests for Production, dated June 5, 2009
413	Hearsay	Plaintiff Somos America's Responses and Objections to Defendant Arpaio First Set of Requests for Admission, Interrogatories and Requests for Production, dated June 5, 2009
414	Hearsay	Plaintiffs' Eighth Supplemental Disclosure Statement
415	Hearsay	Plaintiffs' Fifth Supplemental Disclosure Statement
416	Hearsay	Plaintiffs' Ninth Supplemental Disclosure Statement
417	Hearsay	Plaintiffs' Sixth Supplemental Disclosure Statement
418	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S Avondale Blvd and W Lower Buckeye Rd
419	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Apache Rd and Signal Butte Rd, Mesa, AZ
420	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Bartlett Dam Road, Scottsdale, AZ
421	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of E Broadway Rd and Stapley Dr
422	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of E Commonwealth Pl & N Naco Way
423	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of E Guadalupe, Guadalupe, AZ
424	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of El Mirage and Cactus Road

Exhibit No.	Defendants' Objections	Description
425	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Fairway Dr. And W Madison St
426	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Good Shepherd of the Hills, East Cave Creek Road
427	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Grand Ave and Rt 303
428	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of I-17 and Anthem Way
429	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of N 122 St and W Adams St
430	Relevance; hearsay; no foundation; non-disclosure	Google Maps image of N Cave Creek Rd
431	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of N Cave Creek Rd and E Nisbet Rd, Phoenix
432	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S 27th Ave and W Durango St
433	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S 55th Sve and West Ellis Dr.
434	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S Country Club Dr and W Southern Ave
435	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S Lindsay Rd and E Broadway Rd
436	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of S Mesa Dr & E Holmes Ave
437	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Sage Lane, Avondale
438	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of Thomas Rd and N 32nd St
439	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of U.S. 60 and W Happy Valley Rd, Wickenburg, AZ
440	Relevance; hearsay; no foundation; non-disclosure	Google Maps Image of W Hilton Ave and S 19th Ave, Phoenix
441	Relevance; hearsay; no foundation; non-disclosure	Google Maps Images of S. Mesa Dr. & E Holmes Ave, Mesa, AZ (Set of 3 Images)
442	Relevance; hearsay; no foundation; non-disclosure	Google Map Image of greater Phoenix area
443	Relevance; hearsay; no foundation; non-disclosure	Google Street Map of greater Phoenix area
444	Relevance	MCSO CAD Incident History, Incident

Exhibit No.	Defendants' Objections	Description
		#MA09043554 (MCSO CAD Database)
445	Relevance	MCSO CAD Incident History, Incident #MA09136602 (MCSO CAD Database)

Defendants' Exhibits:

Exhibit No.	Plaintiffs' Objection	Description
1007	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Hearsay within hearsay</u> - The document also contains multiple incidences of hearsay within hearsay that do not fall under any exceptions to the hearsay rule in which the author of the document reports on conversations he purportedly had with others.</p>	Memorandum from W. Ellison, #752 to Lt. F. Aldorasi (Melendres MCSO 056860-61)
1009	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. The document does not contain sufficient detail to provide assistance as to any material fact.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative</p>	Hand-drawn diagram, J. Rodriquez (Ex. 1 to J. Rodriquez Depo.)

1	evidence.	
2	1110	Diversity in the Workplace: Cultural Awareness Training for Employees in Law Enforcement Setting (Melendres MCSO 016221-480)
3	<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. There is no evidence that this training was presented to any MCSO employee.	
4	<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
5	<u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.	
6	1022	MCSO Non-Commercial Purpose Public Record Request, Incident #07-0178873 (Melendres MCSO 001788- 1810)
7	<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. The document relates to a traffic stop that resulted in a DUI investigation of an individual not involved and that is not at issue in this lawsuit.	
8	<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
9	1039	MCSO News Release dated 04/13/10, "Sheriff Will Conduct Another Crime Suppression Operation in Phoenix Prior to
10	To the extent that Defendants argue that MCSO News Releases are inadmissible for any reason, including but not limited to Hearsay, Plaintiffs submit that the	

	<p>same objections would apply to MCSO News Releases submitted by Defendants.</p> <p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p>	<p>May 1st (ORT 1246)</p>
1040	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Admits Facts Not in Evidence</u>: Plaintiffs object to the characterizations contained herein as admitting facts not in evidence.</p>	<p>Defendants' Rule 1006, F.R.E. Chart Summary of Sheriff Joseph M. Arpaio's Immigration File of Citizen Correspondence to him</p>
1064	<p>Maps of Phoenix Area Drop Houses</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - Each of these documents document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. Whether or not there are drop houses in the Phoenix</p>	<p>Map of Phoenix Metro Area Drop Houses, 03/03/03 -02/08/10 (Melendres MCSO 079253)</p>

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	<p>area is an at issue in this case and is not relevant to any facts that are at issue.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, no information is provided as to how the locations are marked on the map or as to what constitutes a “drop house” for purposes of this particular map.</p>	
<p>1065</p>	<p>Maps of Phoenix Area Drop Houses</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - Each of these documents document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. Whether or not there are drop houses in the Phoenix area is an at issue in this case and is not relevant to any facts that are at issue.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p>	<p>Map of Phoenix Metro Area Drop Houses, 03/03/03 -02/08/10 (Melendres MCSO 079256)</p>

1		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, no information is provided as to how the locations are marked on the map or as to what constitutes a “drop house” for purposes of this particular map.	
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6	1066	Maps of Phoenix Area Drop Houses	Map of Phoenix Metro Area Drop Houses, 01/01/07- 02/08/10
7		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.	(Melendres MCSO 079257)
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10		<u>Relevance</u> - Each of these documents document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. Whether or not there are drop houses in the Phoenix area is an at issue in this case and is not relevant to any facts that are at issue.	
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15		<u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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21		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, no information is provided as to how the locations are marked on the map or as to what constitutes a “drop house” for purposes of this particular map.	
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26	1067	Maps of Phoenix Area Drop Houses	Map of Phoenix Metro Area Drop Houses, 01/01/07- 02/08/10
27		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall	(Melendres MCSO 079258)
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	<p>under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - Each of these documents document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. Whether or not there are drop houses in the Phoenix area is an at issue in this case and is not relevant to any facts that are at issue.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, no information is provided as to how the locations are marked on the map or as to what constitutes a “drop house” for purposes of this particular map.</p>	
<p>1068</p>	<p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - Each of these documents document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. Whether or not there are drop houses in the Phoenix area is an at issue in this case and is not relevant to any facts that are at issue.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more</p>	<p>E-mails, charts and maps re: Crime Suppression/Human Smuggling patrol (Melendres MCSO 079259-79419)</p>

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<p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>1072</p> <p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of</p>	<p>U.S. Immigration and Customs Enforcement, Issue Paper 287(g) Inspection of Maricopa County Sheriff, Phoenix Arizona (ICE 778-781)</p>

1		the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.	
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4	1073	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	Letter from Susan Mathias to Alonzo Pena dated 09/24/10 (4 pages) (Ex. 2 to A. Pena Depo)
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21	1074	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its</p>	Letter from Alonzo Pena to Benjamin Miranda (MCSO 071805-07, Ex. 3 to A. Pena Depo)
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	<p>probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	
1075	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony</p>	<p>Memorandum of Agreement (16 pages) (Ex. 4 to A. Pena Depo)</p>

1		and documentary evidence.	
2	1076	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	Management Inspections Unit 287(g) Program Review Findings dated 09/15/08-09/19/08 (ICE 787-810, Ex. 5 to A. Pena Depo)
3	1077	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more</p>	E-mail string re MCSO does have state authority to conduct pure immigration enforcement operations; 287(g) checklist; Arizona Civil Rights Advisory Board on 287g.pdf (ICE BS 1150, ICE BS 1185, ICE BS 1191, Ex. 6 to A. Pena Depo)

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	<p>of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	
1078	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	<p>MCSO 287(g) Task Force Program (ICE 517-19, Ex. 7 to A. Pena Depo)</p>

<p>1 1079</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	<p>ICE Issue Paper 287(g) Inspection of Maricopa County Sheriff (ICE 778a-d, Ex. 8 to A. Pena Depo)</p>
<p>19 1080</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or</p>	<p>ICE Issue Paper 287(g) Authority Possibly Utilized by Maricopa County Sheriff (ICE 782-783, Ex. 9 to A. Pena Depo)</p>

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	<p>needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	
1081	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	Executive Summary (ICE 775-77, Ex. 10 to A. Pena Depo
1082	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under</p>	E-mail string from William Reid to various recipients re Summary

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<p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p>	<p>1083</p> <p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p>	<p>Department of Homeland Security Report of Investigation (ICE BS 1250, Ex. 12 to A. Pena Depo)</p>

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8	1084	Homeland Security (House)
9		Committee Hearing Examining
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11		to A. Pena Depo)
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26	1085	Memorandum to various
27		recipients from Director of Office
28		of Professional Responsibility re
		Management Review – MCSO

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<p>1086</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit,</p>	<p>Letter to Jason Kidd from Susan Mathias dated 09/24/10 (4 pages) (Ex. 33 to J. Kidd Depo)</p>

1		nor the information provided therein, have been authenticated.	
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3		<u>Subject to Motion in Limine</u> - This	
4		document should be excluded for all of	
5		the reasons set form in Plaintiff's Motion	
6		in Limine with regards to ICE testimony	
7		and documentary evidence.	
8	1087	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	Redacted E-mail string from Jon Gurule to various recipients re 287(g) MASTER Arrest Stats 2008.03.09.pdf (ICE 484, Ex. 34 to J. Kidd Depo)
9		<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
10		<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
11		<u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.	
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24	1088	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	E-mail string from Jon Gurule to Katrina Kane re 287(g) MASTER Arrest Stats 2008.02.24.pdf (ICE 497, Ex. 35 to J. Kidd Depo)
25		<u>Relevance</u> - The document does not tend to make more likely any fact that is	
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3		<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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11		<u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.	
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15	1089	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	E-mail string from Matthew Allen to Katrina Kane, Troy Henley and Jason Kidd re AZ Republic 287(g) Arpaio (ICE 595, Ex. 36 to J. Kidd Depo)
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17		<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
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	<p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	
1090	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	U.S. Immigration and Customs Enforcement Issue Paper 287(g) Inspection of Maricopa County Sheriff, Phoenix, Arizona (ICE BS 10717-20, Ex. 37 to J. Kidd Depo)
1091	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p>	E-mail to various recipients from Eduardo Preciado dated 04/09/07 (ICE BS 10721-22, Ex. 38 to J. Kidd Depo)

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	<p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	
1092	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This</p>	<p>Letter to Clarisse McCormick from Shanetta Cutler dated 03/25/09 with enclosure (ICE BS 10749-59, Ex. 39 to J. Kidd Depo)</p>

1		document should be excluded for all of	
2		the reasons set form in Plaintiff's Motion	
3		in Limine with regards to ICE testimony	
4		and documentary evidence.	
5	1093	<u>Hearsay</u> - The document is an out of	Draft copy of a response to the
6		court statement and does not fall under	U.S. House inquiry dated
7		any exceptions to the hearsay rule.	02/12/09 (ICE BS 10760-66, Ex.
8		<u>Relevance</u> - The document does not tend	40 to J. Kidd Depo)
9		to make more likely any fact that is	
10		material to a claim or defense in this	
11		lawsuit.	
12		<u>Rule 403</u> - Even if the Court finds the	
13		document to be relevant evidence, its	
14		probative value is substantially	
15		outweighed by a danger of one or more	
16		of the following: unfair prejudice,	
17		confusing the issues, wasting time, or	
18		needlessly presenting cumulative	
19		evidence.	
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21		nor the information provided therein,	
22		have been authenticated.	
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24		document should be excluded for all of	
25		the reasons set form in Plaintiff's Motion	
26		in Limine with regards to ICE testimony	
27		and documentary evidence.	
28	1094	<u>Hearsay</u> - The document is an out of	E-mail to Jon Gurule from
		court statement and does not fall under	Kristine Brisson dated 11/09/07
		any exceptions to the hearsay rule.	(ICE BS 10767, Ex. 41 to J.
		<u>Relevance</u> - The document does not tend	Kidd Depo)
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	in Limine with regards to ICE testimony and documentary evidence.	
1096	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff's Motion in Limine with regards to ICE testimony and documentary evidence.</p>	MCSO 287(g) Steering Committee Meeting (ICE BS 10769-74, Ex. 43 to J. Kidd Depo)
1097	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially</p>	E-mail to various recipients from Kristine Brisson dated 05/02/07 (ICE BS 10775, Ex. 44 to J. Kidd Depo)

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1098	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	<p>Memorandum to Mark Moore from Katrina Kane (ICE BS 10776-77, Ex. 45 to J. Kidd Depo)</p>

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19 20 21 22 23 24 25 26 27	<p>1100</p> <p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice,</p>	<p>E-mail to Troy Henley and Joe Gurule from Christopher Nissen dated 09/10/07 (ICE BS 10788, Ex. 47 to J. Kidd Depo)</p>

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10	1101	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	MCSO Statistics (ICE BS 10792-94, Ex. 48 to J. Kidd Depo)
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12		<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
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15		<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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27	1102	<u>Hearsay</u> - The document is an out of	Phoenix Field Office
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<p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p>	<p>1103</p> <p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative</p>	<p>E-mail string from Jason Kidd to Eric McLoughlin and Troy Henley re NEWS – new law suit filed against Sheriff's Office (ICE BS 34761, Ex. 50 to J. Kidd Depo)</p>

1	evidence.	
2	<u>Lacks Foundation</u> - Neither the exhibit,	
3	nor the information provided therein,	
4	have been authenticated.	
5	<u>Subject to Motion in Limine</u> - This	
6	document should be excluded for all of	
7	the reasons set form in Plaintiff's Motion	
8	in Limine with regards to ICE testimony	
	and documentary evidence.	
9	1104 <u>Hearsay</u> - The document is an out of	E-mail string from Raymond
10	court statement and does not fall under	Parmer to various recipients re
11	any exceptions to the hearsay rule.	Background Issue – Maricopa
12	<u>Relevance</u> - The document does not tend	(ICE BS 11035, Ex. 51 to J.
13	to make more likely any fact that is	Kidd Depo)
14	material to a claim or defense in this	
15	lawsuit.	
16	<u>Rule 403</u> - Even if the Court finds the	
17	document to be relevant evidence, its	
18	probative value is substantially	
19	outweighed by a danger of one or more	
20	of the following: unfair prejudice,	
21	confusing the issues, wasting time, or	
22	needlessly presenting cumulative	
23	evidence.	
24	<u>Lacks Foundation</u> - Neither the exhibit,	
25	nor the information provided therein,	
	have been authenticated.	
26	<u>Subject to Motion in Limine</u> - This	
27	document should be excluded for all of	
28	the reasons set form in Plaintiff's Motion	
	in Limine with regards to ICE testimony	
	and documentary evidence.	
26	1105 <u>Hearsay</u> - The document is an out of	E-mail string with attachments
27	court statement and does not fall under	from James Barrett to Eric
28	any exceptions to the hearsay rule.	McLoughlin and Victor Vartarian

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	<p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p> <p><u>Subject to Motion in Limine</u> - This document should be excluded for all of the reasons set form in Plaintiff’s Motion in Limine with regards to ICE testimony and documentary evidence.</p>	<p>in reference to upcoming MCSO 287(g) audit (ICE BS 27014-18, Ex. 52 to J. Kidd Depo)</p>
<p>1122</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p>	<p>Human Smuggling Unit Tips and Disposition 04/01/08 to present (Melendres MCSO 016033-217)</p>

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	<p><u>Multiple Documents</u> - The exhibit contains multiple documents and thus should not be submitted as a single exhibit.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, it is not clear how this collection of tips were chosen and if this is a complete set for a particular time period or if certain tips are not include.</p>	
<p>1123</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. There is no evidence that tips to the Employment Sanctions Unit were linked to traffic stops or saturation patrols at issue in this litigation.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Multiple Documents</u> - The exhibit contains multiple documents and thus should not be submitted as a single exhibit.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. For example, it is not clear how this collection of tips</p>	<p>Employment Sanction Unit Tips and Dispositions 04/01/08 to present (Melendres MCSO 015806-16032)</p>

1		were chosen and if this is a complete set for a particular time period or if certain tips are not included.	
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4	1124	<p>IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 04/07-09/07 (Melendres MCSO 059593)</p>
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21	1125	<p>IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 10/07 (Melendres MCSO 059594)</p>
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	<p>this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	
<p>1126</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 12/07 (Melendres MCSO 059595)</p>

1		come from or what all is included in the statistics listed.	
2	1127	IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO	IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 01/08 (Melendres MCSO 059596)
3		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.	
4		<u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
5		<u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
6		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.	
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20	1128	IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO	IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 02/08 (Melendres MCSO 059597)
21		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.	
22		<u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
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	<p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	
1129	<p>IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 02/08 (Melendres MCSO 059598)</p>

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<p>1130</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO 04/08 (Melendres MCSO 059599)</p>
<p>1131</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence,</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO 05/08 (Melendres MCSO 059601)</p>

1		its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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5		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.	
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9	1132	IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO	IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 06/2009 (Melendres MCSO 059587)
10		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.	
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12		<u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
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14		<u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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17		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.	
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27	1133	Arizona! Detention and Transportation Monthly Statistical Report for HSU-	Arizona! Detention and Transportation Monthly
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	<p>MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	<p>Statistical Report 07/2009 (Melendres MCSO 059588)</p>
<p>1134</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Reports for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more</p>	<p>IMPACT Arizona! Investigations Monthly Statistical Report for HSU-MCSO 08/2009 (Melendres MCSO 059589)</p>

1		of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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4		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.	
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8	1135	Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO	Arizona! Detention and Transportation Monthly Statistical Report 09/2009 (Melendres MCSO 059590)
9		<u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.	
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11		<u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.	
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13		<u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.	
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16		<u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.	
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25	1136	Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO	Arizona! Detention and Transportation Monthly Statistical Report 10/2009 (Melendres MCSO 059592)
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	<p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibits, nor the information provided therein, have been authenticated. There is no evidence as to where these statistics come from or what all is included in the statistics listed.</p>	
<p>1137</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report for HSU-MCSO</p> <p><u>Hearsay</u> - Each of these documents is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - None of these documents not tend to make more likely any fact that is material to a claim or defense in this lawsuit.</p> <p><u>Rule 403</u> - Even if the Court finds any of the documents to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or</p>	<p>Arizona! Detention and Transportation Monthly Statistical Report undated (Melendres MCSO 059591)</p>

1		needlessly presenting cumulative evidence.	
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3		<u>Lacks Foundation</u> - Neither the exhibits,	
4		nor the information provided therein,	
5		have been authenticated. There is no	
6		evidence as to where these statistics	
7		come from or what all is included in the	
8		statistics listed.	
9	1138	Arizona! Detention and Transportation	Arizona! Detention and
10		Monthly Statistical Report for HSU-	Transportation Monthly
11		MCSO	Statistical Report undated
12			(Melendres MCSO 059600)
13		<u>Hearsay</u> - Each of these documents is an	
14		out of court statement and does not fall	
15		under any exceptions to the hearsay rule.	
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17		<u>Relevance</u> - None of these documents	
18		not tend to make more likely any fact	
19		that is material to a claim or defense in	
20		this lawsuit.	
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22		<u>Rule 403</u> - Even if the Court finds any of	
23		the documents to be relevant evidence,	
24		its probative value is substantially	
25		outweighed by a danger of one or more	
26		of the following: unfair prejudice,	
27		confusing the issues, wasting time, or	
28		needlessly presenting cumulative	
		evidence.	
		<u>Lacks Foundation</u> - Neither the exhibits,	
		nor the information provided therein,	
		have been authenticated. There is no	
		evidence as to where these statistics	
		come from or what all is included in the	
		statistics listed.	
	1182	<u>Hearsay</u> - The document is an out of	01/28/09 Operation Wood Chip –
		court statement and does not fall under	Scottsdale Road and Frank Lloyd
		any exceptions to the hearsay rule.	Wright Blvd. MCSO Documents
			(Melendres MCSO 015500-
		<u>Relevance</u> - The document does not tend	15504)
		to make more likely any fact that is	

1		material to a claim or defense in this lawsuit. The operation discussed therein appears to be a worksite raid that would not likely include traffic stops.	
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4		<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially	
5		outweighed by a danger of one or more of the following: unfair prejudice,	
6		confusing the issues, wasting time, or needlessly presenting cumulative	
7		evidence.	
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9		<u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.	
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12	1183	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	02/11/09 Operation Clean House – H.M.I. 2646 S. 19 th Ave., Phoenix MCSO Documents (Melendres MCSO 015471-15484)
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14		<u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. The operation discussed therein appears to be a worksite raid that would not likely include traffic stops.	
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16		<u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially	
17		outweighed by a danger of one or more of the following: unfair prejudice,	
18		confusing the issues, wasting time, or needlessly presenting cumulative	
19		evidence.	
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21		<u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.	
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26	1184	<u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.	03/16/09 Operation Paint Stripper – Christown Mall MCSO Documents (Melendres MCSO
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	<p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. The operation discussed therein appears to be a worksite raid that would not likely include traffic stops.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p><u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.</p>	<p>015488-15496; 015485-15487)</p>
<p>1210</p>	<p><u>Hearsay</u> - The document is an out of court statement and does not fall under any exceptions to the hearsay rule.</p> <p><u>Relevance</u> - The document does not tend to make more likely any fact that is material to a claim or defense in this lawsuit. This lesson plan is not part of the 585-Hour Basic Curriculum Model Lesson Plan and there is no evidence that any particular individual at MCSO ever received this training.</p> <p><u>Rule 403</u> - Even if the Court finds the document to be relevant evidence, its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence. In particular, it would be prejudicial to consider training that was never actually received by any individual</p>	<p>Arizona Peace Officer Standards and Training Board Lesson Plan Cover Sheet re Cultural Awareness (Melendres MCSO 015359-410)</p>

1	at MCSO.	
2	<u>Lacks Foundation</u> - Neither the exhibit, nor the information provided therein, have been authenticated.	
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6 Each party hereby acknowledges by signing this joint Proposed Final Pretrial
7 Order that any objections not specifically raised herein are waived.

8 **G. DEPOSITIONS TO BE OFFERED**

9 **Plaintiffs:**

10 Plaintiffs identify the following portions of the following depositions to be read or
11 submitted at trial by page and line number:

12
13 **1. Deposition of Sheriff Joe Arpaio:**

14 December 16, 2009 Deposition: 9:17-11:9, 11:10-18, 14:12-16, 18:21-25:4, 29:5-
15 13, 31:7-9, 34:19-35:5, 38:9-19, 34:19-38:8, 38:20-39:22, 40:25-41:25, 45:14-46:19,
16 45:14-50:18, 47:22-51:19, 57:23-61:21, 63:10-14, 65:3-66:22, 69:2-70:9, 71:9-18,
17 83:21-5, 89:1-6, 112:11-113:20, 114:16-116:18, 117:6-19, 129:12-17, 130:9-135:22,
18 138:9-19, 143:10-24, 149:6-21, 161:9-162:18, 175:4-20, 182:11-186:22, 210:1-15,
19 220:15-222:6, 243:5-21, 245:4-10, 248:18-249:3, 249:11-23, 261:14-262:15, 273:7-
20 276:8, 278:6-279:1.

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23 Defendants offer the following counter designations pursuant to Rule 32(a)(6) for
24 completeness purposes: pp. 19:1- 10:12, 29:14-30:7, 32:32-33:1, 35:6-10,; 37:16- 38:19,
25 39:23-40:24, 42:24-45:13, 49:3-50:10, 62:17-63:9, 64:4-65:3; 66:23-67:17, 71:19-72:18,
26 77:16-78:5, 78:6-80:9, 80:20-81:24, 84:6-23, 87:5-88:15, 89:8-90:12, 92:23-94:8, 95:8-
27

1 96:10, 97:7-14, 98:8-16, 110:19-23, 137:3-138:8, 138:20-139:2, 140;24:141:17, 145:9-
2 147:20, 149:6-151:19, 159:3-15, 160:13-161:8, 162:19-163:17, 164:3-165:9, 166:21-
3 167:5, 167:9-168:20, 172:24-173:11, 186:23-190:6, 190:14-21, 192:7-15, 201:6-24,
4 205:7-206:23, 207:19-208:22, 215:22-216:20, 219:1-12; 222:7-223:15, 224:22-225:3,
5 228:16-231:1, 247:3-13, 249:24-250:9, 262:16-264:7; 264:18-265:16, 276:9-278:9 and
6 300:22-303:16.
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10 Defendants object to the follow page line designations submitted by Plaintiffs: All
11 testimony that is cumulative of live testimony

12 November 16, 2010 Deposition: 11:10-13:17, 14:20-15:10, 16:23-17:8, 17:22-
13 18:24, 21:12-22:13, 24:5-19, 25:15-28:2, 28:16-22, 32:21-33:2, 44:21-46:17, 48:3-20,
14 68:14-69:10, 71:2-72:22, 73:11-23, 74:16-75:22, 77:22-78:4, 80:20-81:5, 82:19-83:22,
15 84:19-85:13, 88:22-89:25, 91:22-92:1, 106:2-14, 107:24-108:25, 113:15-25, 115:8-
16 116:10, 116:25-117:21, 118:1-122:24, 124:8-126:23, 129:5-12, 132:23-136:11, 138:15-
17 139:11, 141:10-146:2, 146:18-160:5, 160:8-12, 161:19-166:14, 167:15-168:11, 169:6-
18 172:13, 180:21-181:9, 183:5-184:11, 184:24-186:23, 188:10-191:17, 194:11-195:1,
19 196:22-25, 212:13-17, 216:18-217:13, 217:20-218:21, 219:9-21, 220:2-18, 222:14-
20 223:14, 224:14-22; 232:8-243:12, 245:4-20, 247:8-249:2, 253:14-255:19, 272:1-273:20,
21 274:16-21, 279:16-281:6, 283:2-285:24, 287:2-290:17.
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24

25 Defendants offer the following pursuant to Rule 32(a)(6) for completeness
26 purposes:
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28

1 pp. 17:9-12, 19:5-20:20, 22:14-22, 28:4-15, 28:23-25, 32:2-10, 32:13-20, 33:3-22, 35:9-
2 14, 35:15-22, 35:24-36:7, 39:11-24, 43:3-44:15, 46:19-25, 48:21-49:7, 57:12-58:2, 61:3-
3 19, 64:12-65:12; 66:6-18, 66:19-67:7, 67:13-68:12, 69:11-16; 72:23-73:9,; 74:5-13,
4 77:5-16, 81:6-82:3, 85:14-86:12, 93:7-94:3, 94:23-95:22, 104:22-105:8, 106:15-18,
5 109:1-14 , 109:15-110:10, 112:6-113:7; 116:11-18, 123:6-124:7, 126:24-127-2, 127:15-
6 22, 127:24-128:8, 128:10-129:3, 129:14-130:2, 136:20-137:13, 140:21-141:8, 160:19-
7 161:16,; 166:15-167:14, 172:14-21,176:15-22, 177:8-12, 177:17-23, 178:1-13, 178:16-
8 179:13, 182:12-183:4, 191:19-192:14, 193:2-8, 193:9-15, 194:2-9, 195:2-196:3, 219:1-8,
9 227:4-23, 243:22-25, 246:13-247-7; 250:18-251:3, 251:15-252:15, 268:4-269:7, and
10 274:5-13.

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12
13 Defendants object to the follow page line designations submitted by Plaintiffs:

14 All testimony that is cumulative of live testimony

15
16 **2. Deposition of Lieutenant Sousa:**

17 December 10, 2009 Deposition: 16:20-17:17, 17:23-18:12, 25:17-26:6, 53:15-
18 54:4, 55:14-56:1, 56:20-59:14, 66:18-67:3, 69:7-22, 74:6-9, 74:25-76:4, 84:24-85:10,
19 89:20-93:21, 95:23-96:24, 97:19-24, 99:5-10, 99:15-18, 102:17-104:21, 108:22-112:5,
20 123:2-5, 127:22-131:11, 131:24-132:2, 132:14-133:5, 133:22-138:12, 139:2-3, 139:7-23,
21 142:12-143:9, 144:13-25, 146:24-148:25, 149:24-151:3, 154:4-25, 155:6-19, 156:4-16,
22 157:8-11, 159:2-4, 198:7-10, 203:7-13, 203:22-205:18, 236:17-25, 237:16-238:3,
23 239:10-14, 251:12-252:3, 268:22-269:13.

24
25
26 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
27 because this witness is not a party to the lawsuit, and is not a party's officer, director,
28

1 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
2 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.

3
4 October 22, 2010 Deposition: 25:16-18, 26:19-27:3, 27:24-30:17, 61:4-62:11.

5 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
6 because this witness is not a party to the lawsuit, and is not a party's officer, director,
7 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
8 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
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10
11 **3. Deposition of Chief Brian Sands:**

12 December 14, 2009 Deposition: 14:12-17:22, 19:1-17, 22:4-16, 32:3-6; 33:12-22,
13 37:2-9, 37:23-38:12, 41:13-20, 42:20-45:1, 46:7-21, 60:2-23, 62:8-10, 66:20-69:19,
14 71:9-72:1, 74:10-75:12, 79:16-81:8, 83:18-84:23, 87:7-17, 89:2-24, 95:11-96:23, 97:8-
15 103:15, 104:3-25, 105:19-107:5, 114:17-115:16, 122:13-123:8, 123:9-17, 124:19-125:9,
16 130:10-133:6, 133:23-134:6, 137:11-20, 138:5-139:21, 139:22-141:20, 142:5-25, 143:7-
17 23, 143:24-144:25, 145:1-146:20, 149:2-25, 152:8-21, 169:1-18, 199:24-200:9.
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20 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
21 because this witness is not a party to the lawsuit, and is not a party's officer, director,
22 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
23 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
24

25
26 November 15, 2010 Deposition: 9:2-20, 10:21-11:8, 13:19-25, 14:6-25, 26:22-
27 27:10, 31:2-15, 33:6-17, 85:9-86:4, 86:5-7, 99:8-19, 100:2-10, 104:3-105:9, 106:2-
28

1 108:16,112:3-113:2, 115:22-116:3, 117:4-118:10, 118:25-119:19, 121:11-123:14,
2 126:21-127:1, 127:9-128:6, 130:5-138:20, 140:3-143:18, 153:25-154:5, 203:20-204:7,
3 218:14-24, 226:4-9, 226:24-227:3, 226:4-229:17, 227:7-11, 228:4-12, 231:18-233:1.
4

5 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
6 because this witness is not a party to the lawsuit, and is not a party's officer, director,
7 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
8 is not unavailable for live testimony at trial as required by Rule 32(a)(4),, F.R.C.P.
9

10
11 **4. Deposition of Chief Hendershott:**

12 February 12, 2010 Deposition: 43:1-6, 44:12-15, 50:25-51:17, 92:18-93:1,
13 102:20-104:19, 128:22-137:11, 151:9-156:6, 173:11-178:6, 189:5-22, 274:17-277:15
14

15 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
16 because this witness is not a party to the lawsuit, and is not a party's officer, director,
17 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
18 is not unavailable for live testimony at trial as required by Rule 32(a)(4),, F.R.C.P.
19

20
21 November 19, 2010 Deposition: 44:3-45:9, 66:25-73:7, 98:1-110:19.

22 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
23 because this witness is not a party to the lawsuit, and is not a party's officer, director,
24 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
25 is not unavailable for live testimony at trial as required by Rule 32(a)(4),, F.R.C.P.
26
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28

1 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
2 because this witness is not a party to the lawsuit, and is not a party's officer, director,
3 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
4 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
5

6
7 November 9, 2010 Deposition: 50:1-61:5, 75:15-24, 110:7-111:11, 120:7-18.

8 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
9 because this witness is not a party to the lawsuit, and is not a party's officer, director,
10 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
11 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
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14
15 **7. Deposition of Deputy Louis DiPietro:**

16 October 21, 2009 Deposition: 30:20-32:1, 33:23-34:18, 39:19-40:25, 46:10-20,
17 42:18-43:17, 46:21-49:15, 46:10--60:1, 65:6-18, 63:19-66:6, 66:22-67:10, 67:25-69:14,
18 72:11-73:4, 73:11-25, 75:16-76:10, 76:22-77:11, 78:5-80:21, 83:10-84:10, 89:17-90:1,
19 107:6-16, 108:13-109:8, 109:15-110:9.
20

21 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
22 because this witness is not a party to the lawsuit, and is not a party's officer, director,
23 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
24 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
25

26
27 **8. Deposition of Deputy Armendariz:**
28

1 November 24, 2009 Deposition: 12:14-19, 15:9-16:113:14-19, 15:9-16:1, 16:17-
2 20, 22:22-26:10, 28:24-30-10, 35:17-36:8, 39:21-40:15, 46:16-51:7, 62:23-63:3, 63:6-
3 66:13, 71:25-72:11, 95:17-97:1, 97:2-18, 97:21-98:3, 100:12-101:20, 114:15-118:16,
4 120:3-126:10, 128:1-18, 129:15-22, 130:13-133:21, 139:2-25, 141:3-17, 143:9-17,
5 145:24, 146:25, 147:1-10, 147:18-25, 148:21-25, 149:2-23, 149:24-25, 153:2-154:2,
6 154:3-155:7, 167:4-6, 172:20-173:3, 176:19-177:5, 177:24-178:15, 183:2-25, 186:5-
7 187:11, 198:1-199:7.
8

9
10 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
11 because this witness is not a party to the lawsuit, and is not a party's officer, director,
12 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
13 is not unavailable for live testimony at trial as required by Rule 32(a)(4),, F.R.C.P.
14

15
16 November 8, 2010 Deposition: 40:6-25, 63:12-68:22, 85:3-88:18.

17 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
18 because this witness is not a party to the lawsuit, and is not a party's officer, director,
19 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
20 is not unavailable for live testimony at trial as required by Rule 32(a)(4),, F.R.C.P.
21

22
23 **9. Deposition of Deputy Rangel:**

24 October 20, 2009 Deposition: 10:15-14:22; 16:23-17:8; 21:13-23:7; 27:9-37:10;
25 39:6-25; 41:5-43:15; 47:22-49:11; 56:10-57:16; 59:6-61:16; 63:2-64:5; 69:2-11; 70:15-
26

1 71:24; 76:14-81:10; 84:7-86:4; 87:16-88:5; 88:25-96:10; 100:19-101:1; 102:25-105:17;
2 109:19-23; 110:4-111:2.

3
4 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
5 because this witness is not a party to the lawsuit, and is not a party's officer, director,
6 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
7 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
8

9
10 November 8, 2010 Deposition: 19:4-25; 24:19-25:16; 31:1-35:10; 38:1-16; 45:1-
11 19; 53:1-14; 68:23-69:2; 70:21-25; 76:21-77:21; 80:24-81:13; 103:14-104:17.

12 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
13 because this witness is not a party to the lawsuit, and is not a party's officer, director,
14 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
15 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
16

17
18 **10. Deposition of Deputy Beeks:**

19
20 October 22, 2009 Deposition: 11:8-20, 16:1-17:20, 20:3-21:17, 24:2-9, 26:25-
21 27:12, 35:15-18, 40:24-42:1, 61:25-62:5, 65:17-66:2, 72:23-73:20, 99:8-100:8, 103:21-
22 104:23, 120:3-12, 121:22-123:9, 125:5-13, 128:4-20, 126:18-127:7, 147:20-148:9.

23
24 Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P.,
25 because this witness is not a party to the lawsuit, and is not a party's officer, director,
26 managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness
27 is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.
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11. Deposition of Deputy Ratcliffe:

October 15, 2009 Deposition: 7:16-8:1; 9:7-22; 12:18-25, 15:1-14; 16:1-20; 18:8-13; 20:14-22:20, 23:14-21, 24:21-25:6, 25:12-26:9, 27:16-20, 28:9-30:24, 33:13-25, 35:4-17, 36:5-37:5, 38:1-10, 39:4-25, 41:20-45:6, 46:23-47:20, 51:17-52:16, 59:11-63:15, 68:11-69:9, 80:7-24, 96:4-24, 97:1-13, 98:7-15, 99:5-8, 113:9-13.

Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P., because this witness is not a party to the lawsuit, and is not a party's officer, director, managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.

12. Deposition of Deputy Kikes:

December 15, 2010 Deposition: 10:25-12:8, 13:16-20, 15:14-16:4, 18:15-20, 19:25-20:6, 36:21-39:3, 47:4-49:15, 51:19-25, 52:22-53:16, 59:12-14, 59:16-17, 71:15-73:14, 74:9-77:2, 79:6-18, 80:23-82:3, 83:10-84:22, 86:6-24, 94:4-5, 94:23-99:12, 107:21-108:5, 120:4-6, 134:11-21.

Defendants object to this designation as improper under Rule 32(a)(3), F.R.C.P., because this witness is not a party to the lawsuit, and is not a party's officer, director, managing agent, or designee under Rule 30(b)(6) or 31(a)(4). Additionally, this witness is not unavailable for live testimony at trial as required by Rule 32(a)(4), F.R.C.P.

13. Deposition of Deputy Ashmore:

1 November 3, 2009 Deposition: 6:8-15, 7:12-8:1, 11:24-12:3, 13:12-14:4, 15:12-
2 16:13, 17:11-20:11, 33:14-20, 38:8-39:19, 52:5-53:21, 57:4-19, 60:7-20, 63:4-64:14,
3 67:10-69:3; 80:15-25; 81:22-83:24; 93:1-9; 102:2-12.
4

5 Defendants object to this designation as irrelevant given that the parties have
6 stipulated that the MCSO receives federal monies for its law enforcement activities. It is
7 also improper under Rule 32(a)(3), F.R.C.P., because this witness is not a party to the
8 lawsuit, and is not a party's officer, director, managing agent, or designee under Rule
9 30(b)(6) or 31(a)(4). Additionally, this witness is not unavailable for live testimony at
10 trial as required by Rule 32(a)(4), F.R.C.P.
11

12
13 Further, Plaintiffs may use the following deposition transcripts at trial for
14 additional
15 purposes, such as impeachment:
16

17 October 15, 2009 Deposition of Deputy Ratcliffe

18 November 24, 2010 Deposition of Deputy Armendariz

19 December 16, 2009 Deposition of Sheriff Arpaio

20 November 16, 2010 Deposition of Sheriff Arpaio

21 November 3, 2009 Deposition of Suzanne Ashmore

22 October 22, 2009 Deposition of Deputy Beeks

23 October 20, 2009 Deposition of Deputy DiPietro

24 October 21, 2009 Deposition of Deputy DiPietro

25 November 19, 2010 Deposition of Chief Hendershott
26
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- 1 February 12, 2010 Deposition of Chief Hendershott
- 2 October 1, 2010 Deposition of Jason Douglas Kidd
- 3 February 15, 2010 Deposition of Deputy Kikes
- 4 November 17, 2010 Deposition of Chief MacIntyre
- 5 October 27, 2009 Deposition of Sergeant Madrid
- 6 October 20, 2010 Deposition of Sergeant Madrid
- 7 November 9, 2010 Deposition of Sergeant Palmer
- 8 September 30, 2010 Deposition of Alfonzo Rafael Pena
- 9 October 20, 2009 Deposition of Deputy Rangel
- 10 November 8, 2010 Deposition of Deputy Rangel
- 11 October 15, 2009 Deposition of Deputy Ratcliffe
- 12 December 14, 2009 Deposition of Chief Sands
- 13 November 15, 2010 Deposition of Chief Sands
- 14 December 10, 2009 Deposition of Lieutenant Sousa
- 15 October 22, 2010 Deposition of Lieutenant Sousa

16 Defendants object to this list of MCSO witness deposition transcripts as
17 unnecessary under Rule 32(a)(2), F.R.C.P. and to the extent that Plaintiffs intend to
18 argue that Defendants cannot use any transcript not listed by Defendant for purposes
19 under Rule 32(a).

20 With respect to the parts of Defendants' deposition identified below, and if any of
21 those designations are found admissible as substantive evidence, Plaintiff designates the
22 following parts of those depositions as further evidence to ensure completeness:
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1 Deposition of Jason Kidd: 20:14-17, 24:20-25, 26:15-22, 28:14-16, 28:20-22,
 2 32:1-10, 36:17-37:4, 37:12-23, 39:19-40:14, 44:7-13, 51:18-23, 53:8-11, 59:1-6, 59:22-
 3 60:11, 80:19-24, 121:19-122:1, 125:11-18, 132:7-134:14, 137:1-6, 138:8-139:11, 140:3-
 4 18, 141:8-142:3, 143:14-19, 145:7-146:1, 151:23-154:1, 160:4-25, 161:7-12, 164:2-6,
 5 165:11-18, 166:10-16, 169:1-170:9, 171:14-16, 177:4-178:23, 192:15-21, 196:5-15,
 6 200:4-18, 203:24-204:3, 205:3-8, 211:4-9, 212:5-213:4, 215:3-18, 227:2-8, 230:1-4.

7
 8 Deposition of Alonzo Pena: 37:5-15, 59:-60:6, 73:24-74:19, 76:16-77:4, 78:10-
 9 21, 84:2-9, 91:16-92:13, 94:23-95:14, 97:24-98:11, 132:11-133:2, 138:4-17, 161:18-
 10 163:3, 166:11-167:7, 168:4-169:7, 170:3-24, 173:11-174:8, 175:12-15, 179:4-9, 184:4-
 11 11; 184:15-186:3, 186:11-14, 190:21-191:7, 204:13-20, 206:25-207:3, 211:4-20, 216:13-
 12 11, 229:23-230:13, 232:16-20, 240:11-24, 242:2-18, 245:5-11, 247:10-21, 268:2-17,
 13 274:19-275:17.

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 15
 16 Further, to the extent Defendants use any portion of deposition testimony to
 17 impeach any of Plaintiffs' witnesses, Plaintiffs reserves the right to rehabilitate that
 18 witness with other portions of the Deposition.

19
 20 **Defendants:**

DEFENSE WITNESS JASON KIDD (excluding objections)
p. 9:9-22
pp. 11:1-12:19
pp. 14:14- 15:4
p. 17:10-17
p. 19:4-9
pp. 19:19-24:17
pp. 25:1-26:14
p. 27:13-15
p. 28:6-12
p. 28:17-19
p. 28:23-25

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pp. 29:2-30:2
p. 30:12-18
p. 30:20-25
p. 31:2-25
p. 32:12-20
p. 33:4-14
pp. 33:16-34:14
p. 34:18-25
pp. 35:2-39:2
pp. 41:11-42:14
p. 43:6-18
p. 44:18-22
p. 45:10-12
pp. 46:4-47:10
p. 47:15-18
pp. 48:2-49:1
pp. 52:8-53:7
p. 56:14-19
p. 122:2-124:3
pp. 124:20-125:9
pp. 135:22-136:8
p. 142:18-24
p. 143:2-13
pp. 158:17-159:20
p. 161:1-12
p. 164:7-18
pp. 171:18-172:5
p. 203:3-23
p. 204:5-25
p. 211:10-20
pp. 213:5-214:18
p. 233:7-13

DEFENSE WITNESS ALONZO PENA
p. 9:3-5
p. 9:19-22
p. 10:10-18
pp. 12:4-15:23
pp. 18:17-20:13
pp. 21:24-22:5
pp. 22:20-24:2
p. 24:14-16
pp. 26:13-27:6
p. 28:8-10
p. 28:14-23
p. 29:4-12
pp. 33:19-34:2
p. 34:4-9
pp. 34:24-36:15
pp. 38:16-41:4

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pp. 41:25-46:14
pp. 47:20-48:24
p. 50:7-10
pp. 50:22-52:23
pp. 52:25-55:20
p. 56:14-24
p. 57:2-12
pp. 57:22-59:4
p. 60:7-18
pp. 61:3-62:18
pp. 68:2-71:16
pp. 71:19-72:23
pp. 72:25-73:23
p. 75:8-22
p. 77:14-20
p. 79:1-22
p. 80:19-24
pp. 81:24-82:6
pp. 92:25-94:21
p. 98:13-20
p. 99:6-22
p. 115:3-9
pp. 115:22-116:7
pp. 116:11-117:2
pp. 119:4-121:3
pp. 122:5-123:10
pp. 127:3-128:6
pp. 133:4-134:17
pp. 135:10-136:13
pp. 138:18-139:11
pp. 149:18-150:19
pp. 150:21-151:24
pp. 153:5-154:2
pp. 156:12-157:25

Plaintiffs object to the deposition designations of Mr. Kidd and Mr. Pena on the basis of relevance and F.R.E. 403. Plaintiffs will concurrently file a motion in Limine in that regard. Additionally, Plaintiffs object to the use of deposition designations for Mr. Kidd and Mr. Pena as opposed to live testimony.

Defendants further designate the following portions of the October 8, 2009 deposition of Mr. Ortega-Melendres: p. 38:18-25.

1 Plaintiffs object to this designation to the extent Mr. Ortega-Melendres appears at
2 trial. For completeness, Plaintiffs further designate 39:1-2 of the October 8, 2009
3 deposition of Mr. Ortega-Melendres.
4

5 Defendants further designate the following portions of the October 2, 2009
6 Deposition of Jessica Rodriguez at pp. 30:7-21, 31:9-20, and 55:25-56:4.

7 Plaintiffs object to these designations to the extent Ms. Rodriguez appears at trial.
8 Plaintiffs further object to these designations on the basis of relevance. For
9
10 completeness, Plaintiffs further designate 31:3-7, 36:19-40:25, 53:9-54:23, 69:21-71:3.

11 Each party hereby acknowledges by signing this joint Proposed Final Pretrial
12 Order that any deposition not listed as provided herein will not be allowed, absent good
13 cause.
14

15 **H. LIST OF PENDING MOTIONS**

16 No motions are pending before the Court other than motions in limine. However,
17 Defendants note that their interlocutory appeal regarding the Court's December 23, 2011
18 Order is presently pending before the United States District Court for the Ninth Circuit.
19 Defendants filed their opening brief with the Ninth Circuit on February 10, 2012.
20 Plaintiffs' Response brief is due March 23, 2012. Defendants' optional Reply brief is
21 due within fourteen days after service of the Response brief. Accordingly, both Plaintiffs
22 and Defendants respectfully request and reserve the right, with leave of the Court, to
23 amend or modify this Proposed Final Pretrial Order as may be necessitated by the
24 resolution of such appeal.
25
26

27 **I. PROCEDURES FOR EXPEDITING TRIAL**

1 The parties have discussed procedures that might be used to expedite trial. The
2 parties have agreed to stipulations with regards to certain facts and issues of law, as
3 identified above. The parties have agreed to stipulations on the authenticity and
4 foundation for certain documents, as identified above. The parties also agree to the use
5 of edited video clips of depositions of witnesses. The parties also agree to the following
6 uses of courtroom technology: display of exhibits on courtroom monitors for use during
7 witness questioning as well as opening and closing statements.
8
9

10 **J. ESTIMATED LENGTH OF TRIAL**

11 4 hours for Opening statements and closing arguments

12 50 hours for Plaintiff(s) case

13 50 hours for Defendant(s) case

14 8 hours for rebuttal

15 112 Total Estimated Hours
16

17 **K. JURY DEMAND**

18 Defendants have requested a jury trial but agree with Plaintiffs that a jury trial is
19 not permitted given the declaratory and equitable claims for relief sought by Plaintiffs

20 **L. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
21 **BENCH TRIALS**

22 The parties' respective separately lodged Proposed Findings of Fact and
23 Conclusions of Law are incorporated by reference into this joint Proposed Final Pretrial
24 Order.
25

26 **M. CERTIFICATIONS**
27
28

1 The undersigned counsel for each of the parties in this action do hereby certify
2 and acknowledge the following:

- 3 a. All discovery has been completed.
- 4 b. The identity of each witness has been disclosed to opposing
5 counsel.
6
- 7 c. Each exhibit listed herein: (1) is in existence; (2) is numbered; and
8 (3) has been disclosed and shown to opposing counsel.
9
- 10 d. The parties have complied in all respects with the mandates of the
11 Court's Rule 16 Scheduling Order and Order Setting Final Pretrial Conference.
- 12 e. The parties have made all of the disclosures required by the Federal
13 Rules of Civil Procedure (unless otherwise previously ordered to the contrary).
14
- 15 f. The parties acknowledge that once this Proposed Final Pretrial
16 Order has been signed and lodged by the parties, no amendments to this Order can be
17 made without leave of Court."

18 **N. INFORMATION FOR COURT REPORTER**

19 As required by this Courts Order Setting the Pre-Trial Conference, and in order to
20 facilitate the creation of an accurate record, the parties intend to file a "Notice to Court
21 Reporter" one week before trial, as well as a copy of the concordance from key
22 depositions.
23

24 DATED this 2nd day of March, 2012
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Stanley Young Tim
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MARICOPA COUNTY ATTORNEYS
OFFICE

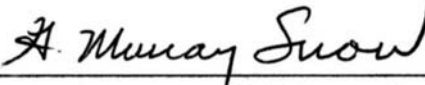
s/Thomas P. Liddy
Thomas P. Liddy
Attorneys for Defendants

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Based on the foregoing,

IT IS ORDERED that this Proposed Final Pretrial Order jointly submitted by the parties is hereby **APPROVED** and **ADOPTED** as the official Pretrial Order of this Court.

Dated this 23rd day of March, 2012.



G. Murray Snow
United States District Judge