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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Manuel de Jesus Ortega Melendres, on  
10 behalf of himself and all others similarly  
situated; et al.

11 Plaintiffs,

12 v.

13 Joseph M. Arpaio, in his individual and  
14 official capacity as Sheriff of Maricopa  
County, AZ; et al.

15 Defendants.  
16

No. CV-07-2513-PHX-GMS

**ORDER**

17 Before the Court are Defendants' Motions relating to the show cause hearing  
18 scheduled to begin on April 21. On March 17, 2015, Defendants filed a Motion to vacate  
19 the hearing and enter findings of civil contempt against Sheriff Joseph Arpaio, the  
20 Maricopa County Sheriff's Office, and named contemnor Gerald Sheridan. (Doc. 948.)  
21 Defendants filed a supplemental Motion to Vacate on April 10, 2015 (Doc. 1003), and  
22 have now moved for an expedited hearing on these issues (Doc. 1005). Plaintiffs have  
23 opposed Defendants' requests to vacate the evidentiary hearing. (Docs. 952, 1004.)


24 As the Court indicated during the March 20, 2015 status conference, it would  
25 grant Defendants' request to vacate the contempt hearing upon its approval of the terms  
26 of a global settlement of civil liability—if an agreement were timely reached between  
27 Plaintiffs and the contemnors that mooted the need for a hearing on the civil charges. (*See*  
28 Doc. 965 at 59–61.) According to Defendants' most recent filing, negotiations with

1 Plaintiffs have not been fruitful in this regard. (Doc. 1005 at 1.) In addition to outstanding  
2 questions regarding the liability of the other named contemnors, Plaintiffs indicate that  
3 they wish to present facts relating to the scope of, and circumstances surrounding, the  
4 admitted contempt of Sheriff Arpaio, MCSO, and Chief Deputy Sheridan, which are  
5 relevant to the appropriateness of any remedies the Court might order to address that civil  
6 contempt. Plaintiffs may present evidence on these matters at the April hearing and/or, if  
7 necessary, during the supplemental hearing scheduled for June 16–19, 2015. Thus, the  
8 hearing to begin next week shall proceed as planned, as will any supplemental hearings.

9 In evaluating the need to refer the matter for criminal contempt hearings, the Court  
10 will keep in mind that Defendants Arpaio and Sheridan expressed willingness to settle the  
11 matter prior to the civil contempt hearing by publicly admitting to civil contempt, by  
12 voluntarily paying personal amounts to a charitable organization, and by seeking to  
13 facilitate other terms of settlement with the Maricopa County administration. The Court  
14 will complete its evaluation regarding the need to refer the matter for criminal contempt  
15 after the civil contempt hearing(s) have been completed.

16 **IT IS THEREFORE ORDERED** that Defendants' Motions to Vacate (Docs.  
17 948, 1003) are **DENIED** without prejudice. Because oral argument is unlikely to  
18 materially add to the Parties' briefs, Defendants' Motion for a Hearing (Doc. 1005) is  
19 also **DENIED**.

20 Dated this 14th day of April, 2015.

21   
22 Honorable G. Murray Snow  
23 United States District Judge  
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