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

20 Manuel de Jesus Ortega Melendres,
21 et al.,

22 Plaintiff(s),

23 v.

24 Joseph M. Arpaio, et al.,

25 Defendants(s).

26) CV-07-2513-PHX-GMS
27)
28)

29 **RESPONSE TO DEFENDANTS**
30 **MCSO AND SHERIFF ARPAIO'S**
31 **OBJECTION TO COURT-ORDERED**
32 **DISCLOSURE PROCEDURE**

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1 Plaintiffs respectfully submit this Response to Defendants MCSO and Sheriff
2 Arpaio's Objection to Court-Ordered Disclosure Procedure. First, the Court's order
3 directing the Monitoring Team immediately to gather and to sequester documents was
4 entirely proper and prudent in light of Defendants' prior history of noncompliance with
5 the Court's orders relating to document preservation and production, including the events
6 giving rise to Defendants' contempt of the Court's May 14, 2014, order, their spoliation
7 of evidence earlier in this litigation, and their more recent noncompliance with the
8 Court's February 12, 2015, discovery order.

9 Second, Plaintiffs have no objection to Defendants' request that they be given a
10 reasonable opportunity to review the sequestered documents for privilege. The timeline
11 for such attorney review should be adequate, but also expedited and brief.

12 Third, Defendants are incorrect in their argument that they were entitled to prior
13 notice of the subject matter of all questions that might be posed to witnesses during the
14 April 21-24, 2015 evidentiary hearing. It is true that a person charged with contempt is
15 entitled to notice of any contempt charges, and that currently the grounds for possible
16 contempt are those set forth in the Court's February 12, 2015 Order to Show Cause. But
17 the Court has ample inherent powers to inquire at any time about possibly improper
18 activities of a party in the context of a case, especially where the activities are the subject
19 of a press article. Further, it is apparent that MCSO had ample notice of the subject
20 matter contained in the Phoenix New Times article by Stephen Lemons: Sheriff Arpaio
21 indicated that he had previously read the article, and an MCSO spokesperson was, in fact,
22 quoted within. If there were any objection to questions on this matter, they should have
23 been interposed during the questioning itself. The absence of such objection constitutes a
24 waiver of such objection. This waiver was confirmed when defense counsel later elicited
25 the testimony of Chief Deputy Sheridan on the very same subject.

26 RESPECTFULLY SUBMITTED this 29th day of April, 2015.

27 By: /s/ Cecillia D. Wang
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2015, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and caused the attached document to be e-mailed to:

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