

Cecillia D. Wang (*Pro Hac Vice*)  
cwang@aclu.org  
ACLU Foundation  
Immigrants' Rights Project  
39 Drumm Street  
San Francisco, California 94111  
Telephone: (415) 343-0775  
Facsimile: (415) 395-0950

Daniel J. Pochoda  
dpochoda@acluaz.org  
Joshua D. Bendor  
jbendor@acluaz.org  
ACLU Foundation of Arizona  
3707 N. 7th St., Ste. 235  
Phoenix, AZ 85014  
Telephone: (602) 650-1854  
Facsimile: (602) 650-1376

*Attorneys for Plaintiffs (Additional attorneys  
for Plaintiffs listed on next page)*

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

Manuel de Jesus Ortega Melendres,	)	CV-07-2513-PHX-GMS
et al.,	)	
	)	<b>PLAINTIFFS' OPPOSITION</b>
Plaintiff(s),	)	<b>TO MOTION FOR ADMISSION</b>
	)	<b>PRO HAC VICE</b>
	)	<b>OF LARRY KLAYMAN</b>
v.	)	
	)	
Joseph M. Arpaio, et al.,	)	
	)	
Defendants(s).	)	
	)	
	)	

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Additional Attorneys for Plaintiffs:

Andre I. Segura (*Pro Hac Vice*)  
asegura@aclu.org  
ACLU Foundation  
Immigrants' Rights Project  
125 Broad Street, 17th Floor  
New York, NY 10004  
Telephone: (212) 549-2676  
Facsimile: (212) 549-2654

Anne Lai (*Pro Hac Vice*)  
alai@law.uci.edu  
401 E. Peltason, Suite 3500  
Irvine, CA 92697-8000  
Telephone: (949) 824-9894  
Facsimile: (949) 824-0066

Stanley Young (*Pro Hac Vice*)  
syoung@cov.com  
Hyun S. Byun (*Pro Hac Vice*)  
hbyun@cov.com  
Covington & Burling LLP  
333 Twin Dolphin Drive  
Suite 700  
Redwood Shores, CA 94065-1418  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800

Tammy Albarran (*Pro Hac Vice*)  
talbarran@cov.com  
Lauren E. Pedley (*Pro Hac Vice*)  
lpedley@cov.com  
Covington & Burling LLP  
One Front Street  
San Francisco, CA 94111  
Telephone: (415) 591-7066  
Facsimile: (415) 955-6566

Priscilla G. Dodson (*Pro Hac Vice*)  
pdodson@cov.com  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Telephone: (202) 662-5996  
Facsimile: (202) 778-5996  
  
Jorge M. Castillo (*Pro Hac Vice*)  
jcastillo@maldef.org  
Mexican American Legal Defense and  
Educational Fund  
634 South Spring Street, 11th Floor  
Los Angeles, California 90014  
Telephone: (213) 629-2512  
Facsimile: (213) 629-0266

1           Plaintiffs oppose the motion for admission pro hac vice of Larry Klayman. The  
2 conflict-related reasons that the Court has previously cited for denying the pro hac vice  
3 application of Jonathan A. Moseley based on his representation of Sheriff Arpaio, see  
4 Docs. 1093 and 1167, apply equally to Mr. Klayman, who also represents the Sheriff  
5 in litigation outside this case, but who in this case would be adverse to the Sheriff, both  
6 as an attorney and possibly as a witness. See Exhibit 1 (previously made public as  
7 Exhibit C of Doc. 1166) (Klayman to MCSO's Mackiewicz: "I don't appreciate your  
8 games . . . . your games are just to squeeze Dennis through me. I don't appreciate being  
9 played.").

10           At the July 20, 2015 status conference, Mr. Klayman asserted that he did not  
11 have a conflict with Sheriff Arpaio. But this is contradicted by a letter that Sheriff  
12 Arpaio wrote to Mr. Klayman, which has been produced by Sheriff Arpaio's attorneys,  
13 in which Sheriff Arpaio expressly told Mr. Klayman that Mr. Klayman's  
14 representation of Mr. Montgomery (and Mr. Zullo) "would, and does, create a conflict  
15 here in Arizona." See Exhibit 2. Mr. Klayman's failure to disclose to the Court the  
16 existence of the Sheriff's letter, and his affirmative representation to this Court  
17 notwithstanding the Sheriff's letter that there is no conflict, are further grounds for  
18 denial of his application.<sup>1</sup>

19           Mr. Klayman's behavior when admitted pro hac vice in other courts also  
20 indicates that his admission in this case would impede the orderly administration of  
21 justice. Mr. Klayman's application mentions two currently pending disciplinary  
22 proceedings against him, in the bars of the District of Columbia and Pennsylvania.

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24           <sup>1</sup> As a matter of courtesy, Plaintiffs' counsel have inquired of defendants' counsel regarding  
25 communications involving Mr. Klayman that defendants have produced in this litigation.  
26 Defendants have not requested the return of any of those communications, undoubtedly  
27 because Mr. Klayman does not represent, and seeks to be adverse to, Sheriff Arpaio in this  
28 case, and Mr. Klayman's communications with Sheriff Arpaio and his counsel relating to this  
case, like Exhibit 2, are therefore not privileged.

1 The application also mentions two District Court judges, in California and New York,  
 2 who separately prohibited him from practicing before them again. However, Mr.  
 3 Klayman's application fails to mention the fact that two federal Courts of Appeals  
 4 unanimously affirmed the orders of those District Court judges, in published decisions  
 5 that explain in some detail how Mr. Klayman abused his pro hac vice admissions in  
 6 those cases. *Baldwin Hardware Corporation v. Franksu Enterprise Corporation*, 78  
 7 F.3d 550 (Fed. Cir. 1996); *MacDraw, Inc. v. CIT Group Equipment Financing, Inc.*,  
 8 138 F.3d 33 (2d Cir. 1998). The Second Circuit expressly found that Mr. Klayman's  
 9 challenge to a judge's impartiality based on the judge's ethnicity and the identity of the  
 10 administration that appointed him was "insulting and smacked of intimidation."  
 11 *MacDraw*, 138 F.3d at 38. The Federal Circuit affirmed a sanction against Mr.  
 12 Klayman's firm for "unreasonably and vexatiously multiplying the proceedings."  
 13 *Baldwin Hardware*, 78 F.3d at 554.<sup>2</sup>

14 Whether to grant a pro hac vice application lies within "the discretion of the  
 15 Court." LRCiv. 83.1(b)(2); *United States v. Ensign*, 491 F.3d 1109, 1113 (9th Cir.  
 16 2007). Where "an of out-of-state attorney strongly suggests through his behavior that  
 17 he will neither abide by the court's rules and practices—thus impeding the 'orderly  
 18 administration of Justice'—nor be readily answerable to the court," denial of pro hac  
 19 vice status is appropriate. *United States v. Ries*, 100 F.3d 1469, 1471 (9th Cir. 1996).  
 20 Such denial is warranted here.

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 22  
 23 RESPECTFULLY SUBMITTED this 28th day of July, 2015.  
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 26 <sup>2</sup> Mr. Klayman also brought unsuccessful judicial disqualification motions in *Sataki v.*  
 27 *Broadcasting Board of Governors*, 733 F.Supp.2d 54 (D.D.C. 2010), and *Strange v. Islamic*  
 28 *Republic of Iran*, 46 F.Supp.3d 78 (D.D.C. 2014).

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By: /s/ Stanley Young

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Mexican American Legal Defense and  
Educational Fund  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 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 served via the CM/ECF System on all counsel of record.

/s/ Stanley Young