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*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
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	<b>AMENDED NOTICE OF SERVICE</b>
	)	<b>OF SUBPOENA FOR DEPOSITION</b>
v.	)	<b>OF DON VOGEL</b>
	)	
Joseph M. Arpaio, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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1 NOTICE IS HEREBY PROVIDED THAT on this date, pursuant to the Federal  
2 Rule of Civil Procedure Rule 45(b)(1), Plaintiffs served an amended Subpoena for  
3 Deposition upon Don Vogel. By prior agreement with Mr. Vogel's counsel, service  
4 was effected by electronic mail upon his counsel, Frederick Petti of Petti and Briones,  
5 P.L.L.C., at fpetti@pettibriones.com. A copy of the Subpoena is attached hereto as  
6 Exhibit 1.

7  
8 RESPECTFULLY SUBMITTED this 9th day of September, 2015.

9 By: /s/ Cecillia D. Wang

10 Cecillia D. Wang (*Pro Hac Vice*)  
11 Andre I. Segura (*Pro Hac Vice*)  
12 ACLU Foundation  
Immigrants' Rights Project

13 Daniel Pochoda  
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21 Jorge M. Castillo (*Pro Hac Vice*)  
22 Mexican American Legal Defense and  
23 Educational Fund  
24 *Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2015, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail as indicated on the Notice of Electronic Filing.

Dated this 9th day of September, 2015.

/s/ Cecillia D. Wang

# EXHIBIT 1

## UNITED STATES DISTRICT COURT

for the

District of Arizona

Manuel de Jesus Ortega Melendres, et al.

*Plaintiff*

v.

Joseph M. Arpaio, et al.,

*Defendant*)  
)  
)  
)  
)  
)

Civil Action No. 07-2513-PHX-GMS

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Don Vogel

*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Legal Video Specialists, 3033 N. Central Avenue, Suite 100, Phoenix, Arizona, 85012	Date and Time: 09/14/2015 9:30 am
--	--------------------------------------

The deposition will be recorded by this method: stenography and video

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 09/09/2015

CLERK OF COURT

OR

s/ Cecillia D. Wang

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* \_\_\_\_\_

Plaintiffs Manuel de Jesus Ortega Melendres, et al. \_\_\_\_\_, who issues or requests this subpoena, are:

Cecillia D. Wang, ACLU-IRP, 39 Drumm St., San Francisco, CA 94111, cwang@aclu.org, (415) 343-0775

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

## **Attachment A**

1. YOUR current resumé or curriculum vitae
2. All DOCUMENTS RELATING TO internal affairs investigations of Maricopa County Sheriff's Office, including but not limited to engagement agreements, notes, COMMUNICATIONS with personnel of the Maricopa County Sheriff's Office or the DEFENDANTS, reports and draft reports RELATING TO such investigations.

### **DEFINITIONS AND INSTRUCTIONS**

1. "YOU" is defined to include you, and any person or entity acting or purporting to act on their behalf, at their direction, or under their supervision.
2. "DEFENDANTS" is defined to include the named defendants in this matter, Joseph Arpaio, in his official capacity as the sheriff of Maricopa County, and Maricopa County, and any person or entity acting or purporting to act on their behalf, at their direction, or under their supervision.
3. "RELATE" OR "RELATING TO" means evidencing, memorializing, referring, concerning, constituting, containing, discussing, describing, embodying, reflecting, identifying, mentioning, stating, responding or otherwise alluding to or relating to in any way, in whole or in part, the subject matter referred to in the interrogatory.
4. "DOCUMENT" and "DOCUMENTS" are defined to be synonymous in meaning and equal in scope to the usage of the terms in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody or control, or in the possession, custody or control of the YOUR attorneys. A draft of a non-identical copy is a separate DOCUMENT within the meaning of this term. Without limiting the term "control," a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any PERSONS or public or private entity having physical control thereof.
5. "PERSON" means, inclusively, any natural person, proprietorship, partnership, joint venture, trust, group, agency, department, association, corporation or any other entity or organization, and any agent or employee of any of those individual entities.

6. “COMMUNICATION” means any oral or written contact, regardless of method, between two or more persons, organizations, companies, or other business entities, regardless of form, and shall include, without limitation, notes, letters, memoranda, email, facsimile, reports, briefings, telegrams, telex or, by any document, oral contact by such means as face to face meetings and/or telephone conversations, or any form of transmittal of information in the form of facts, ideas, inquiries, or otherwise.

7. Words used in the plural shall be interpreted to include the singular, and words used in the singular shall be interpreted to include the plural.

8. The terms “and” as well as “or” shall be construed either disjunctively or conjunctively in order to bring within the scope of the specifications stated in a Request all responses that might otherwise be deemed outside the scope.

9. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, whenever necessary to bring into the scope of the specification all responses which might otherwise be construed outside the scope.

10. The use of any masculine or feminine pronoun includes both the masculine and feminine.