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 Counsel for Defendants Joseph M. Arpaio and  
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**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA**

MANUEL de JESUS ORTEGA  
 MELENDRES, JESSICA QUITUGUA  
 RODRIQUEZ, DAVID RODRIQUEZ,  
 VELIA MERAZ, MAUAL NIETO, JR. on  
 behalf of themselves and all others  
 similarly situated, and SOMOS  
 AMÉRICA,

Plaintiffs,

vs.

JOSEPH M. ARPAIO, in his individual  
 and official capacity as Sheriff of  
 Maricopa County, Arizona; MARICOPA  
 COUNTY, ARIZONA SHERIFF'S  
 OFFICE, and MARICOPA COUNTY,  
 ARIZONA

Defendants.

No. CV 07-02513-PHX-MHM

**DEFENDANTS ARPAIO AND THE  
 MCSO'S MOTION FOR LEAVE TO  
 FILE SUPPLEMENTAL BRIEF IN  
 SUPPORT OF THEIR RESPONSE IN  
 OPPOSITION TO DEFENDANT  
 MARICOPA COUNTY'S MOTION TO  
 STAY PROCEEDINGS**

Defendants Joseph M. Arpaio ("Arpaio") and the Maricopa County Sheriff's Office ("MCSO") respectfully move the Court for leave to file a short supplemental brief in further response in opposition to defendant Maricopa County's Motion to Stay Proceedings.

Arpaio and the MCSO make this Motion for the sole purpose of providing the Court with information from an article from *National Review Online* entitled "*A Pattern and Practice, The DOJ's Civil Rights Division has a history of ideologically charged investigations,*" H. von Spakosky, dated July 9, 2009 and specifically addressing for the Court how the information in the article, if true and accurate as to the DOJ attorney

1 “investigators,” supports Arpaio and the MCSO’s opposition to the Motion for Stay.  
2 Because the resolution of the pending Motion to Stay will materially impact the substantive  
3 and procedural rights of Arpaio and the MCSO, these defendants respectfully submit that  
4 good cause exists to allow a short supplemental brief.

5 The proposed supplemental brief is attached as Exhibit “A.”

6 A proposed form of Order is attached.

7 DATED this 10th of July, 2009.

8  
9 SCHMITT, SCHNECK, SMYTH & HERROD,  
P.C.

10 s/Timothy J. Casey

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21 **ORIGINAL** of this document electronically  
22 filed with the Clerk’s Office using the  
23 CM/ECF System this 10th day of July, 2009.

24 **COPY** of this document electronically and regular mailed  
25 This 10th day of July, 2009, to the following:

26 The Honorable Mary H. Murguia  
27 United States District Court  
28 401 West Washington Street,  
Phoenix, Arizona 85003-2158

**COPY** of this document electronically and regular mailed  
this 10th day July, 2009, to the following counsel:

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