

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, et al.,) No. CV-07-2513-PHX-GMS

Plaintiffs,

ORDER

vs.

Joseph M. Arpaio, et al.,

Defendants.

On March 19, 2010, the Court held a Status Conference. At the Status Conference the Court made the following determinations.

IT IS HEREBY ORDERED granting Plaintiffs' Motion for Clarification (Dkt. # 267) which it elected to treat as a Motion for Reconsideration. The Court will award Plaintiffs' reasonable attorneys' fees incurred in bringing their Motion for Sanctions upon Plaintiffs' compliance with LRCiv. 54.2.

IT IS FURTHER ORDERED reaffirming that, except as otherwise ordered by the Court, the Case Management Order is in force and discovery is closed. The Court vacates the current deadlines for the submission of expert reports.

The matters pertaining to Defendants' *Touhy* requests to the government were addressed. Defendants are authorized to pursue the depositions of the five individuals specified in their *Touhy* motions.

1 A representative of Maricopa County represented to the Court that Defendants will
2 be provided with the supplemental electronic documents from the back-up files maintained
3 by the County within the parameters specified by the parties to this litigation no later than
4 **April 11, 2010**. Defendants will review these documents and disclose to Plaintiffs all
5 relevant documents prior to **June 11, 2010**.

6 A follow-up Status Conference is set for **July 16, 2010 at 9:30 a.m.** Prior to the
7 Status Conference the parties will consult on the additional discovery that they deem
8 necessary in light of the newly-identified and disclosed documents. No later than **July 13,**
9 **2010**, the parties will inform the Court as to: (1) the additional discovery that they agree is
10 necessary; and (2) their respective positions with respect to the remaining desired discovery
11 on which they cannot agree.

12 MCSO makes an oral request to file a Motion for an Order to Show Cause against
13 Maricopa County concerning the lately-identified documents. The Court grants the request
14 for the Defendants to file such a motion but further indicates that while some discovery may
15 be appropriate as to the reason for the delay in providing the most recent document
16 disclosure, the Court will not make this case a forum for satellite litigation. The Court will,
17 at any rate, not likely rule on any such motion prior to the July 16, 2010 Status Conference
18 in which any remaining discovery is considered and authorized. Counsel is further advised
19 to consider and consult with his clients concerning the possible ethical ramifications of
20 bringing such a motion in light of his past representation of Maricopa County in this action.

21 The Court denies without prejudice the request that the Court determine who has the
22 right to possess or have access to the documents that are currently in the possession of
23 Maricopa County.

24 Defendants' Motion to Require a Representative of Maricopa County's OET to Attend
25 the March 19, 2010 Scheduling Conference (Dkt. # 283) is denied as moot.

26 DATED this 22nd day of March, 2010.

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G. Murray Snow
United States District Judge