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

Manuel de Jesus Ortega Melendres, et al.,  
Plaintiffs,  
vs.  
Joseph M. Arpaio, et al.,  
Defendants.

No. CV 07-02513-PHX-GMS

**DEFENDANTS' AMENDED NOTICE RE  
THE APRIL 10, 2014 LODGING OF THE  
PARTIES' COUNSELS' AGREED UPON  
DRAFT CORRECTIVE STATEMENT  
AND DEFENDANTS' NEW REVISED  
UNILATERAL DRAFT CORRECTIVE  
STATEMENT DATED APRIL 15, 2014**

On April 10, 2014, pursuant to the Court's Order dated March 27, 2014 (Dkt#663), Defendants filed their Notice of Lodging the Parties' Counsels' Agreed upon Draft Corrective Statement (Dkt#674). The Draft Corrective Statement was attached as Exhibit 1 to Dkt# 674-1.

Since the date of the filing, instead of accurately reporting to the public that the Draft Corrective Statement is a summary *of the Court's* Findings of Fact and Conclusions of Law for the benefit of MCSO personnel, the mainstream media, Spanish language media, and a local tabloid have represented to the public that the Draft Corrective Statement is, among other things, an admission by Sheriff Joseph M. Arpaio that he and the MCSO did, in fact,

1 use racial profiling tactics in its law enforcement operations. That type of media  
 2 representation is inaccurate and misleading. *See, e.g.* the following:

- 3 • <https://www.youtube.com/watch?v=TjvcExstzWw&feature=youtu.be> (Local  
 4 NBC Affiliate 12 News)
- 5 • <https://www.youtube.com/watch?v=wnrjikSK4oQ&feature=youtu.be>  
 6 (Telemundo)
- 7 • <http://newspapertime.com/2014/04/15/toughest-sheriff-joe-arpaiio-ready-to-accept-racial-profiling-ruling-court-documents-show-nbcnews/> (an internet  
 8 news source)
- 9 • <https://blogs.phoenixnewtimes.com/valleyfever/2014/04/joe-arpaios-corrective-statement-in-Melendres-submitted-to-federal-judge> (Phoenix New Times)  
 10

11 Based on the foregoing, the media characterizations of the April 10, 2014 Draft  
 12 Corrective Statement have revealed that the April 10, 2014 draft (Dkt#674-1) is  
 13 insufficiently clear and in need of revision. What appeared clear to the parties' attorneys is  
 14 obviously not clear to others. Accordingly, the defendants respectfully submit a revised  
 15 Proposed Corrective Statement that will make clear to all persons who read it, including  
 16 MCSO personnel and the public unfamiliar with the details of this litigation and the Court's  
 17 orders, that: (1) it is a summary of the Court's Findings of Fact; and (2) it is not any type of  
 18 admission of racial profiling by the defendants. Knowing the foregoing, the Sheriff can only  
 19 sign in good-faith and in clear conscience the attached version of the Proposed Corrective  
 20 Statement or its substantial facsimile to be further discussed and agreed-upon among the  
 21 parties and/or the Court.

22 The attached version of Defendants' Proposed Corrective Statement is a paper copy of  
 23 a red-line version so the Court may more easily track the changes from the May 10, 2014  
 24 version. Defendants will provide the Court with an electronic *Word* version of the red-lined  
 25 document at its request. In addition, defendants have not consulted with plaintiffs' counsel  
 26 as to their position and/or objections to the attached.

27 DATED this 15<sup>th</sup> day of April, 2014.

28 SCHMITT SCHNECK SMYTH CASEY & EVEN,  
 P.C.

s/Timothy J. Casey

Timothy J. Casey

James L. Williams

Counsel for Defendants Joseph M. Arpaio and the  
Maricopa County Sheriff's Office

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

The Honorable G. Murray Snow  
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