

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

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

*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,  
et al.,

Plaintiff(s),

v.

Joseph M. Arpaio, et al.,

Defendants(s).

CV-07-2513-PHX-GMS

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' UNILATERAL  
AMENDED NOTICE RE  
CORRECTIVE STATEMENT**

Additional Attorneys for Plaintiffs:

Tammy Albarran (*Pro Hac Vice*)  
talbarran@cov.com

David Hults (*Pro Hac Vice*)  
dhults@cov.com

Covington & Burling LLP  
1 Front Street  
San Francisco, CA 94111-5356  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

Lesli Gallagher (*Pro Hac Vice*)  
lgallagher@cov.com  
Covington & Burling LLP  
9191 Towne Centre Drive, 6th Floor  
San Diego CA 92122  
Telephone: (858) 678-1800  
Facsimile: (858) 678-1600

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

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

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

Nancy Ramirez (*Pro Hac Vice*)  
nramirez@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 respectfully submit the following Response to Defendants' "Amended  
2 Notice re the April 10, 2014 Lodging of the Parties' Counsels' Agreed Upon Draft  
3 Corrective Statement and Defendants' New Revised Unilateral Draft Corrective  
4 Statement Dated April 15, 2014."

5 1. Plaintiffs note that pursuant to the Court's direction on March 24, 2014,  
6 the parties met and conferred and agreed upon the language of a corrective statement,  
7 which was filed with this Court on April 10, 2014.

8 2. Defendants did not advise Plaintiffs, much less meet and confer, prior to  
9 filing their unilateral Amended Notice on April 15, 2014.

10 3. Plaintiffs request that the Court order Defendants immediately to  
11 disseminate the agreed-upon corrective statement, which was filed with the Court on  
12 April 10, 2014, to all Maricopa County Sheriff's Office (MCSO) personnel. That  
13 statement is an accurate and adequate correction to the misstatements that were made by  
14 Chief Deputy Sheridan, Chief Trombi, and apparently by other MCSO personnel. The  
15 statement accurately summarizes the Court's orders in this case.

16 4. Plaintiffs also request that the Court prohibit any MCSO official or other  
17 personnel from disseminating any statements of disagreement with this Court's order  
18 within the MCSO along with the corrective statement. Such language would counteract  
19 the clear statement of the law in the corrective statement, and send mixed signals to  
20 MCSO personnel who are required to abide by this Court's orders.

21 5. Because the misstatements were made in the first instance by Chief  
22 Deputy Sheridan, the second-in-command of MCSO, and expressly endorsed by Sheriff  
23 Arpaio, a corrective statement should be issued by them in order to remedy the impact of  
24 the original, incorrect statements. Plaintiffs note that the Court has the legal authority to  
25 require the corrective statement to be disseminated under Sheriff Arpaio's and Chief  
26 Deputy Sheridan's names. *See, e.g., Swann v. Charlotte-Mecklenberg Bd. of Educ.*, 402  
27 U.S. 1, 15 (1971) ("[T]he scope of a district court's equitable powers to remedy past  
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wrongs is broad, for breadth and flexibility are inherent in equitable remedies.”); *Toussaint v. McCarthy*, 801 F.2d 1080, 1087 (9th Cir. 1986) (“In fashioning a remedy for constitutional violations, a federal court must order effective relief....A defendant's history of noncompliance with prior court orders is a relevant factor in determining the necessary scope of an effective remedy.”) (citations omitted), *overruled in part on other grounds*, *Sandin v. Connor*, 515 U.S. 472 (1995); *Sharp v. Weston*, 233 F.3d 1166, 1173 (9th Cir. 2000) (same). There are no First Amendment limitations on the Court’s authority to issue such orders that are tailored to address the constitutional violations found in this case and that do not implicate a government official’s speech in his capacity as a private citizen. *See, e.g., Garcetti v. Ceballos*, 547 U.S. 410, 418-21 (2006). Such an order is analytically no different from an injunction requiring new policies to be promulgated by an agency in order to remedy constitutional violations. Providing the correct information is necessary to ensure compliance with the Court’s valid orders remedying constitutional violations and to counter the effect of prior misstatements that have the effect of obstructing such compliance.

6. Whether or not the corrective statement is disseminated in the name of the Sheriff and the Chief Deputy, however, Plaintiffs urge the Court to enter an order requiring the immediate dissemination of the order to all MCSO personnel. Given the passage of time since the MCSO misstatements were made, and the Defendants’ public filing of a statement of disagreement with the Court’s findings of fact and conclusions of law, it is imperative that a clear statement requiring compliance by MCSO personnel with this Court’s orders be disseminated immediately.

7. Plaintiffs further request that the Court order Defendants to disseminate the corrective statement individually to all MCSO personnel and not merely by posting the statement to MCSO’s website, and to take steps to ensure that all MCSO personnel have read and understand the corrective statement. Plaintiffs believe that this could be achieved, for example, through the same channels used for wide dissemination of MCSO

1 “Briefing Board” documents and by posting the corrective statement on bulletin boards in  
2 MCSO offices.

3 8. Finally, Plaintiffs request that the Court order Defendants to report  
4 whether the corrective statement has been disseminated to all MCSO personnel within  
5 three days, and that the Monitor confirm compliance with the order.

6 RESPECTFULLY SUBMITTED this 15th day of April, 2014.  
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8 By: /s/ Cecillia D. Wang  
9 Cecillia D. Wang (*Pro Hac Vice*)  
10 Andre I. Segura  
ACLU Foundation  
Immigrants’ Rights Project

11 Stanley Young (*Pro Hac Vice*)  
12 Tammy Albarran (*Pro Hac Vice*)  
13 Lesli Gallagher (*Pro Hac Vice*)  
David Hults (*Pro Hac Vice*)  
Covington & Burling, LLP

14 Daniel Pochoda  
15 ACLU Foundation of Arizona

16 Anne Lai (*Pro Hac Vice*)

17 Nancy Ramirez (*Pro Hac Vice*)  
18 Mexican American Legal Defense and  
Educational Fund

19 *Attorneys for Plaintiffs*  
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**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 caused the attached document to be e-mailed to:

Thomas P. Liddy  
liddyt@mcao.maricopa.gov

Timothy J. Casey  
timcasey@azbarristers.com

Eileen Dennis GilBride  
egilbride@jshfirm.com

*Attorneys for Defendant Sheriff Joseph Arpaio and the  
Maricopa County Sherriiff's Office*

/s/ Cecillia D. Wang