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18
19 **IN THE UNITED STATES DISTRICT COURT**
20
21 **FOR THE DISTRICT OF ARIZONA**

22 Manuel de Jesus Ortega Melendres,)	CV-07-2513-PHX-GMS
23 et al.,)	
24)	
25 Plaintiff(s),)	PLAINTIFFS' RESPONSE TO
26)	DEFENDANTS MARICOPA
27 v.)	COUNTY AND ARPAIO'S
28)	REQUEST FOR SETTLEMENT
)	CONFERENCE
)	
29 Joseph M. Arpaio, et al.,)	
30)	
31)	
32 Defendants(s).)	
33)	

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1 The January 30th Request for a Settlement Conference by Defendants Arpaio and
2 MCSO was the first notice to Plaintiffs concerning such interest. Defendants failed to
3 contact Plaintiffs to discuss the possibility of settlement. Nevertheless, Plaintiffs are
4 available to confer with Defendants and report to the Court any progress and whether
5 there is a realistic possibility of resolution.

6 Absent a determination among the parties that there is a real possibility of
7 resolving the issues at hand, the announced contempt proceedings should proceed.
8 Defendants' request for settlement discussions should not delay the contempt
9 proceedings or the issuance of an Order to Show Cause. The April hearing dates have
10 been cleared by all, preceded by limited discovery.

11 It should be noted that, as occurred earlier in this case, settlement discussions,
12 even with a mediator, may not result in resolution or a limitation of the issues. Plaintiffs
13 believe that finding of civil contempt is warranted. Such a finding will need to result in
14 an acknowledgment of wrongdoing if the Court and the public are to have any
15 confidence that repeat evasions of the Court's Orders will be avoided. But, as the Court
16 has previously recognized, Defendants' prior statements have on several occasions either
17 belittled those Orders or materially misrepresented this Court's underlying findings. In
18 fact, the day before the instant request for a Settlement Conference, Defendant Arpaio
19 issued a statement seeking public support because of, amongst other matters, "Rampant,
20 UNFOUNDED charges of racism and racial profiling in my office." (Email to
21 supporters, Jan. 29, 2015, 3:25 PM MST). Such denials (which are not reflected in the
22 pending appeal of the Court's Orders) affect Plaintiffs' view of the prospects for an
23 agreed settlement of the contempt issues. But Plaintiffs are nonetheless willing to
24 participate in a conference as long as it does not disturb the existing schedule.

25 Respectfully submitted this 2nd day of February, 2015.

26 By: /s/ Daniel J. Pochoda

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2015, 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:

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