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14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**
17

18 United States of America,

19 Plaintiff,

20 v.

21 Maricopa County, Arizona; Maricopa County
22 Sheriff’s Office; and Joseph M. Arpaio, in
his Official Capacity as Sheriff of Maricopa
23 County, Arizona,

24 Defendants.

NO. CV12-00981-PHX-ROS

**NOTICE OF MARICOPA COUNTY’S
POSITION WITH RESPECT TO ITS
PENDING MOTION IN LIMINE**

[Assigned to Judge Roslyn O. Silver]

25 Earlier today, Plaintiff the UNITED STATES of AMERICA (“Plaintiff” or the
26 “U.S.”) filed on behalf of all parties the Joint Statement Regarding Any Remaining Issues for
27 Trial (“Joint Statement”) that this Court had ordered be filed by noon today. (Doc. 389.)
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1 Separately, the Court issued its Order of July 17, 2015 (Doc. 393) requiring that, *inter alia*,
2 the parties file by today, July 20, 2015, “a joint report indicating that whether pending mo-
3 tions in limine will remain, be modified, or be withdrawn.” (*Id.* at 1.) The Court’s Order
4 pertaining to the joint report specified no particular time of day by which the report regard-
5 ing motions in limine were to be filed.
6

7 In a conference call early this morning, counsel for all parties discussed language to
8 be included in the Joint Statement, but the issue of what information was to be provided to
9 the Court regarding the pending motions in limine was not discussed. After that call and
10 when counsel for Defendant Maricopa County (“County”) was tied up in another proceeding,
11 counsel for the U.S. and counsel for Sheriff Arpaio apparently decided to include in the Joint
12 Statement *both* information concerning issues remaining to be tried, and their positions with
13 respect to their respective motions in limine. Omitted, however, was any information regard-
14 ing the County’s pending motion in limine. This filing is to supplement the Joint Statement
15 by providing the Court with the County’s position with respect to that motion.
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18 The County’s motion in limine seeks to exclude Plaintiff from calling certain witness-
19 es and eliciting testimony from them, in light of the failure of the U.S. to make proper and
20 timely disclosure of those witnesses. The County is not disposed to modify or withdraw its
21 motion in limine at this juncture. If Plaintiff does not, in fact, seek to call any of the witness-
22 es who are the subjects of the County’s motion, the matter will be moot. If, on the other
23 hand, any attempt were to be made by the U.S. to introduce testimony from any of such wit-
24 nesses, the County would respectfully request that this Court preclude Plaintiff from doing
25 so.
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2 RESPECTFULLY SUBMITTED, this 20th day of July, 2015.

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4 WALKER & PESKIND, PLLC

5 By: /s/ Richard K. Walker

6 Richard K. Walker

7 Charles W. Jirauch

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11 By: /s/ Dan K. Webb

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16 *Counsel for Defendant Maricopa County, Arizona*

17 NOTICE OF ELECTRONIC FILING AND CERTIFICATE OF SERVICE

18 I hereby certify that on July 20, 2015, I electronically filed Notice of Maricopa Coun-
19 ty's Position with Respect to Its Pending Motion in Limine with the Clerk of the Court for
20 filing and uploading to the CM/ECF system which will send notification of such filing to all
21 parties of record.
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23
24 /s/ Jennifer Grisham
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