

1 Mark Kappelhoff  
2 Deputy Assistant Attorney General  
3 Judy Preston (MD Bar, no numbers assigned)  
4 Timothy D. Mygatt (DC Bar No. 1021564)  
5 Edward G. Caspar (MA Bar No. 650566)  
6 Jennifer L. Mondino (NY Bar No. 4141636)  
7 Paul Killebrew (LA Bar No. 32176)  
8 Puneet Cheema (CA Bar No. 268677)  
9 Matthew J. Donnelly (IL No. 6281308)  
10 U.S. Department of Justice, Civil Rights Division  
11 Special Litigation Section  
12 601 D St. NW, Suite 5200  
13 Washington, D.C. 20004  
14 Attorneys for the United States

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

13 United States of America,

14 Plaintiff,

15 v.

16 Maricopa County, Arizona; and Joseph M.  
17 Arpaio, in his official capacity as Sheriff of  
18 Maricopa County, Arizona,

18 Defendants.

No. 2:12-cv-00981-ROS

UNITED STATES' REPLY TO  
DEFENDANTS' RESPONSES TO  
THE UNITED STATES' MOTION TO  
STAY

19  
20 Neither defendant opposes the United States' motion to stay all proceedings in this  
21 case, except those relating to the Joint Motion to Approve Settlement Agreement,  
22 pending the United States' Motion to Intervene in *Melendres v. Arpaio*. For the reasons  
23 set out in the United States' Motion to Stay, the Court should grant the requested stay.

24 Notwithstanding its expressed lack of any objection to the United States' motion  
25 to stay, the County reiterates its position, first expressed in the parties' Joint Statement  
26 Regarding Any Remaining Issues for Trial (Doc. 394), that it seeks a trial on the issue of  
27 the County's "powers over the Sheriff . . ." Doc. 401, at 2 (County's Response to  
28 United States' Motion to Stay). As fully set out in the United States' portion of the Joint

1 Statement Regarding Any Remaining Issues for Trial, no issues remain for trial. The  
2 United States will seek relief only to the extent warranted by the Court's June 15, 2015  
3 grant of summary judgment in favor of the United States. And if intervention is granted,  
4 the United States will not seek further remedial orders in this case, except as to  
5 enforcement of the July 17 Settlement Agreement, per the parties' July 17, 2015 Joint  
6 Motion to Approve Settlement Agreement. Any question concerning the County's  
7 "powers over the Sheriff" is a question of law, which the Court already has resolved in its  
8 Order on the motions for summary judgment, *see* Order, Doc. 379, at 15-20, and,  
9 previously, in denying the County's motion to dismiss, *see* Order, Doc. 73 (denying  
10 County's motion to reconsider); County's Motion for Reconsideration, Doc. 59. No  
11 factual disputes remain to be resolved by trial.

12 Respectfully submitted,

13 Mark Kappelhoff  
14 Deputy Assistant Attorney General  
15 Civil Rights Division

16 Judy Preston  
17 Acting Chief  
18 Special Litigation Section

19 Timothy D. Mygatt  
20 Special Counsel

21 /s/ Edward G. Caspar

22 Edward G. Caspar (MA Bar No. 650566)  
23 Special Counsel  
24 Jennifer L. Mondino (NY Bar No. 4141636)  
25 Paul Killebrew (LA Bar No. 32176)  
26 Puneet Cheema (CA Bar No. 268677)  
27 Matthew J. Donnelly (IL No. 6281308)  
28 Trial Attorneys  
U.S. Department of Justice  
Civil Rights Division- PHB  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
Tel. (202) 514-2000/Fax (202) 514-6273

edward.g.caspar@usdoj.gov

ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I certify that on or about July 27, 2015, I used the Court's CM/ECF system to serve a true and correct copy of the foregoing filing on counsel of record.

/s/ Edward G. Caspar  
EDWARD G. CASPAR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28