

EXHIBIT A

COVINGTON

BEIJING BRUSSELS LONDON NEW YORK
SAN DIEGO SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Covington & Burling LLP
One Front Street
San Francisco, CA 94111-5356
T +1 415 591 6000

BY ELECTRONIC MAIL

March 11, 2015

Michele M. Iafrate
Iafrate & Associates
649 N. 2nd Ave.
Phoenix, AZ 85003

RE: Arpaio, et al. adv. Melendres, et al.,
U.S. District Court Case No. CV07-02513-PHX-GMS

Dear Michele:

We are in receipt of your production in the above-referenced matter delivered to Ms. Wang dated February 27, 2015 made pursuant to the Court's February 12, 2015 order (Docket No. 881).

We are continuing to review the voluminous production of documents, which exceeds 23,000 pages in length. The production does not appear to have logical document breaks corresponding to the breaks to be expected in either hard copy or electronic documents. This failure to produce documents in the form in which they are maintained or in another reasonably useable format needlessly slows down the discovery process and is in violation of the discovery rules.

Given the voluminous nature of the production and the way in which it is organized, please identify, by bates ranges, documents responsive to each of the categories in the Court's February 12, 2015 order. We have identified some documents responsive to category (a) of the order, but have not been able to locate documents responsive to the other categories.

A large number of documents in the collection appear to be incident reports, department reports, forms containing traffic stop data and similar documents pre-dating the December 23, 2011 date in the order for categories (b)-(e). There appear to be a large volume of these pre-December 23, 2011 documents that make it difficult to locate in the voluminous collection where post-December 23, 2011 documents might be. Please clarify the category of documents in the court's February 12, 2015 order to which these types of documents (pre-dating December 23, 2011) are responsive. Furthermore, please identify where in the collection the post-December 23, 2011 documents can be found on a category-by-category basis.

Additionally, we have been unable to locate any documents that would help to identify potential victims of the preliminary injunction violations. The collection does not appear to contain, for example, any departmental reports, arrest lists, CAD or MDT data or shift summaries that post-date the injunction. Please note that the Court's order requires that you provide all such documents relating to *any incident* where the MCSO contacted U.S.

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Immigrations and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) about an individual after December 23, 2011 if the individual was not charged with or cited for a crime. Moreover, we have been unable to locate internal MCSO documents discussing the preliminary injunction at all.

If MCSO does not have any non-privileged documents responsive to one or more of these categories, please also identify the categories for which no non-privileged documents exist.

Sincerely,

A handwritten signature in black ink that reads "Leslie N. Harvey". The signature is written in a cursive, flowing style.

Leslie Harvey

EXHIBIT B

IAFRATE & ASSOCIATES
649 North Second Avenue
Phoenix, Arizona 85003
(602) 234-9775

Michele M. Iafrate, #015115
miafrate@iafratelaw.com

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY
By Thomas P. Liddy
State Bar No. 019384
Douglas A. Schwab
State Bar No. 019289
Deputy County Attorneys
MCAO Firm No. 00032000
liddyt@mcao.maricopa.gov
schwabd@mcao.maricopa.gov

CIVIL SERVICES DIVISION
Security Center Building
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
Telephone (602) 506-8541

**Attorneys for Defendants Joseph M. Arpaio and
Maricopa County Sheriff's Office**

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

Manuel de Jesus Ortega Melendres, et al.)	NO. CV07-02513-PHX-GMS
)	
Plaintiffs,)	DEFENDANTS JOSEPH M.
)	ARPAIO AND MARICOPA
vs.)	COUNTY SHERIFF'S OFFICE'S
)	RESPONSE TO PLAINTIFFS'
Joseph M. Arpaio, et al.,)	AMENDED FIRST SET OF
)	INTERROGATORIES TO
Defendants.)	DEFENDANTS REGARDING
)	CONTEMPT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendants
Joseph M. Arpaio and Maricopa County Sheriff's Office respond to Plaintiffs'
Interrogatories as follows:

1 **INTERROGATORIES**

2 **INTERROGATORY NO. 1**

3 IDENTIFY the individual(s) responsible for the failure to communicate the
4 Court's December 23, 2011 preliminary injunction order to MCSO deputies upon the
5 issuance of the order in December 2011.

6 **RESPONSE:** Defendants Arpaio and the Maricopa County Sheriff's
7 Office object to this interrogatory because it is vague and Plaintiffs fail to
8 define "responsible" and "failure to communicate". In the spirit of discovery
9 and without waiving their objections, Defendants respond that Sheriff Arpaio,
10 former Chief Sands, Chief Sheridan, and Lieutenant Sousa were responsible
11 for communicating the December 23, 2011 preliminary injunction to MCSO
12 deputies.

11 **INTERROGATORY NO. 2**

12 During the period from December 2011 to October 2013, which unit(s) and
13 individual(s) within the MCSO were responsible for communicating Court orders in
14 state of federal litigation involving the Maricopa County Sheriff's Office to relevant
15 personnel?

16 **RESPONSE:** During this time period, MCSO did not have a specific
17 mechanism established to communicate litigation information to relevant
18 personnel. It was expected the assigned attorneys would communicate the
19 court orders with the relevant personnel.

19 **INTERROGATORY NO. 3**

20 What is the date on which the Court's December 23, 2011 preliminary
21 injunction order was communicated to personnel within MCSO? If the order was
22 communicated on different dates to different groups of personnel, IDENTIFY the
23 recipient(s) with the date on which the order was communicated.
24

1 **RESPONSE: On December 23, 2011, the preliminary injunction order**
2 **was communicated to Sheriff Arpaio, former Chief Sands, Chief Sheridan, and**
3 **Lieutenant Sousa.**

4 **INTERROGATORY NO. 4**

5 What is the earliest date on which any MCSO deputy used a video or audio
6 recording device to record a traffic stop?

7 **RESPONSE: The earliest date documented by a recording and verified is**
8 **September 24, 2008.**

9 **INTERROGATORY NO. 5**

10 What is the earliest date on which any MCSO personnel with a rank of
11 sergeant or above became aware that any MCSO deputy was using a video or
12 audio recording device to record traffic stops?

13 **RESPONSE: Defendants Arpaio and the Maricopa County Sheriff's**
14 **Office object to this interrogatory because it is vague and Plaintiffs fail to**
15 **define what is meant by the phrase "became aware that any MCSO deputy was**
16 **using a video or audio recording device." MCSO did not have any policy**
17 **regarding the recording of traffic stops. However, in the spirit of discovery**
18 **and without waiving their objections, the earliest date documented by a**
19 **recording and verified is September 24, 2008.**

20 **INTERROGATORY NO. 6**

21 In or after December 2007, how many MCSO deputies or sergeants (a) had
22 any responsibility for conducting traffic stops and also (b) made at least one audio or
23 video recording of a traffic stop?

24 **RESPONSE: Defendants Arpaio and the Maricopa County Sheriff's**
25 **Office object to this interrogatory because it is vague. However, in the spirit**
26 **of discovery and without waiving their objections, Defendants respond that all**
27 **MCSO deputies are responsible for conducting traffic stops. (a) In 2007,**
28 **MCSO had 797 sworn officers responsible for traffic stops; in 2008, MCSO had**
29 **765 sworn officers responsible for traffic stops; in 2009, MCSO had 736 sworn**
30 **officers responsible for traffic stops; in 2010, MCSO had 702 sworn officers**

1 responsible for traffic stops; in 2011, MCSO had 668 sworn officers
2 responsible for traffic stops; in 2012, MCSO had 650 sworn officers
3 responsible for traffic stops; in 2013, MCSO had 647 sworn officers
4 responsible for traffic stops; and in 2014, MCSO had 700 sworn officers
5 responsible for traffic stops. (b) Defendants previously provided Plaintiffs
6 this information in Bates stamped documents numbers MELC099560-
7 MELC099562.

8 **INTERROGATORY NO. 7**

9 IDENTIFY all MCSO personnel who participated in any traffic stop listed at
10 pages 5-8 of Plaintiffs' Request for OSC, Doc. 843, including any personnel involved
11 in follow-up to such a stop, such as supervisor review or an internal investigation.

12 **RESPONSE: Defendants previously provided Plaintiffs with this
13 information in Bates stamped document numbers MELC099560-MELC099562.**

14 **INTERROGATORY NO. 8**

15 IDENTIFY the individual(s)—by name and, if applicable, assigned MCSO unit
16 and rank—who were responsible for the collection of DOCUMENTS that (1) related
17 to the Human Smuggling Unit and (2) were required to be disclosed in litigation
18 matters involving MCSO during the period 2008-2012.

19 **RESPONSE: (1) The Chiefs who oversaw the HSU during this timeframe
20 were:**

21 **Chief B. Sands S0708
22 Chief D. Trombi S0948**

23 **January 30, 2006**

24 **Capt. T. Tyo S0564 (commanded enforcement support until his
retirement February 15, 2008).**

April 2006

**Lt. C. Siemens S1081 (reassigned out of the division September 2008)
Sgt. G. Rios S1084 (reassigned out of the division March 2007)
Dep. S. Ross S1654 (reassigned out of the division June 2008)**

1 Dep. C. Rangel S1528 (currently in the division out of HSU February
2 2014).

3 March 2007

4 Dep. J. Cosme S1501 (currently in the division)

5 Dep. H. Martinez S1593 (reassigned out of the division December 23,
6 2013)

7 Sgt. R. Baranyos S1297 (reassigned out of the division January 2009)

8 Dep. A. Navarrette S1474 (reassigned out of the division April 2009)

9 currently in custody

10 Dep. E. Quintero S1331 (reassigned out of the division September 2011)

11 June 2007

12 Ofc. V. Navarrette A6235 (reassigned out of the division November 2013)

13 Ofc. R. Montoya A8052 (currently in the division)

14 Ofc. P. Plata A8936 (reassigned out of the division August 19, 2013)

15 Ofc. M. Murillo A5617 (resigned November 2009)

16 Sgt. M. Madrid S1376 (reassigned out of the division February 2011)

17 July 2007

18 Sgt. C. Brockman S1513 (reassigned out of the division January 2014)

19 Dep. G. Almanza S1376 (reassigned out of the division November 2013)

20 Dep. T. Sedlacek S1413 (reassigned out of the division September 2007)

21 Dep. L. Ruiz S1634 (resigned February 4, 2009)

22 Dep. G. Doster S1661 (reassigned out of the division August 2010)

23 Dep. Dep. B. Komorowski S1507 (reassigned out of the division January
24 2011)

September 2007

Lt. J. Sousa S1180 (reassigned out of the division April 2012)

Dep. J. Templeton S1804 (reassigned out of the division September
2008)

January 2008

Dep. D. Frei S1570 (currently in the division)

Dep. C. Griffin S1523 (reassigned out of the division June 2009) resigned

August 2009

Dep. T. Brice S1767 (reassigned out of the division June 2009)

February 2008

Capt. R. Jones S0491 (commanded enforcement support until his
retirement April 30, 2009)

1 **March 2008**

2 **Dep. D. Joya S1739 (currently in the division)**

3 **Dep. C. Garcia S1399 (reassigned out of the division November 2008)
resigned October 2008**

4 **April 2008**

5 **Dep. S. Monroe S1713 (reassigned out of the division January 2013)**

6 **May 2008**

7 **Dep. D. Beeks S1722 (reassigned out of the division January 2010)**

8 **Ofc. T. Henley B0742 (reassigned out of the division May 2009) resigned
March 6, 2009**

9 **June 2008**

10 **Dep. C. Armendariz S1764 (reassigned out of the division August 19,
2013)**

11 **November 2008**

12 **Dep. C. Lopez S1760 (currently in the division)**

13 **Dep. R. Gonzalez S1783 (currently in the division)**

14 **Dep. Cisco Perez S1346 (reassigned out of the division 2011) terminated
October 2013**

15 **March 2009**

16 **Dep. A. Ortega-Rodriguez S1717 (reassigned out of the division
September 2012)**

17 **Dep. R. Lopez Jr. S1835 (reassigned out of the division December 2012)**

18 **Dep. J. Jerez S1226 (reassigned out of the division December 2012)**

19 **April 2009**

20 **Sgt. B. Palmer S1409 (reassigned out of the division May 2012)**

21 **Dep. G. Fernandez S1587 (reassigned out of the division July 2009)
resigned July 2009**

22 **June 2009**

23 **Dep. W. Voeltz S1658 (reassigned out of the division October 2012)
August 2010**

24 **Dep. D. Gandara S1906 (currently in the division)**

October 2010

Capt. Letourneau S0945 (reassigned out of the unit September 2, 2013)

1 **February 2011**

2 **Sgt. M. Trowbridge S1703 (reassigned out of the division September 2,**
3 **2013)**

4 **March 2011**

5 **Dep. J. Silva S1615 (reassigned out of the division September 2012**

6 **September 2011**

7 **Dep. C. Hechavarria S1851 (reassigned out of the division out of HSU**
8 **September 2013)**

9 **May 2012**

10 **Lt. M. Summers S1641 (reassigned out of the division August 2012)**
11 **Lt. B. Jakowicz S1237 (currently in the division)**

12 **September 2012**

13 **Dep. Frank Gamboa S1924 (currently in the division)**
14 **Dep. D. Ochoa S1802 (currently in the division)**
15 **Sgt. Glenn Powe S1259 (currently in the division)**

16 **October 2012**

17 **Dep. J. Henderson S1456 (currently in the division)**

18 **December 2012**

19 **Dep. M. Garcia S1244 (reassigned out of the division May 12, 2014)**

20 **November 2013**

21 **Dep. S. Locksa S1312 (currently in the division)**

22 **The following supervisory personnel were promoted on the following**
23 **dates.**

24 **Lt. Jakowicz promoted to lieutenant on 06/04/2007**

Lt. Siemens promoted to lieutenant on 01/30/2006

Lt. Sousa promoted to lieutenant on 07/03/2006

Lt. Summers promoted to lieutenant on 09/17/2012

Sgt. Powe promoted to sergeant on 07/03/2006

Sgt. Trowbridge promoted to sergeant on 02/11/2008

Sgt. Brockman promoted to sergeant on 01/20/2014

Sgt. Baranyos promoted to sergeant on 02/26/2007

Sgt. Rios promoted to sergeant on 12/18/2006

Sgt. Palmer promoted to sergeant on 07/03/2006

Sgt. Madrid promoted to sergeant on 06/04/2007

1 **INTERROGATORY NO. 9**

2 IDENTIFY any advice of counsel defense DEFENDANTS intend to make in
3 response to any of the charged grounds for civil contempt listed in the Order to
4 Show Cause.

5 **RESPONSE: Defendants do not assert an "on the advice of counsel"**
6 **defense to any of the alleged grounds for civil contempt.**

7 **INTERROGATORY NO. 10**

8 IDENTIFY, by reference to date, time, location, duration and participants, all
9 meetings and conversations RELATING TO (1) the Court's preliminary injunction
10 order of December 23, 2011 or (2) the Court's oral orders of May 14, 2014
11 RELATING TO the collection of video and audio recordings of traffic stops.

12 **RESPONSE: On December 26, 2011, Tim Casey conferred (location**
13 **unknown) with the following individuals:**

14 **Sheriff Arpaio for approximately twenty-one to twenty-six minutes;**
15 **Former Chief Brian Sands for approximately fifteen to twenty minutes;**
16 **Chief Jack MacIntyre for approximately four to eight minutes; and**
17 **Lieutenant Joseph Sousa for approximately twenty-seven to thirty-two**
18 **minutes.**

19 **On December 30, 2011, Tim Casey conferred with Lieutenant Joseph**
20 **Sousa and former Chief Brian Sands for approximately one hour and five**
21 **minutes.**

22 **///**

23 **///**

24 **///**

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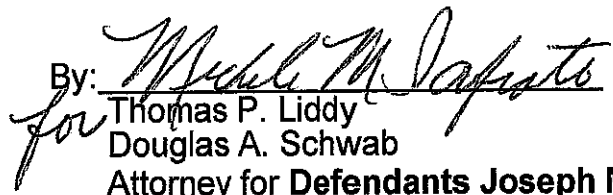
1 On January 19, 2012, Tim Casey conferred with the following:
2 Brad Keogh and Tom Liddy for approximately two hours and six
3 minutes;
4 Tom Liddy for approximately thirty minutes (location unknown); and
5 John Masterson approximately six minutes (location unknown).

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DATED this 13th day of March, 2015

IAFRATE & ASSOCIATES

By: 
Michele M. Iafrate
Attorney for Defendants Joseph M.
Arpaio and Maricopa County Sheriff's
Office

**MARICOPA COUNTY ATTORNEY
CIVIL SERVICES DIVISION**

By: 
for Thomas P. Liddy
Douglas A. Schwab
Attorney for Defendants Joseph M.
Arpaio and Maricopa County Sheriff's
Office

ORIGINAL of the foregoing mailed and/or e-mailed
this 13th day of March, 2015, to:

Cecillia Wang
ACLU Immigrants' Rights Project
39 Drumm Street
San Francisco, California 94111
Attorneys for **Plaintiffs**

COPIES of the foregoing mailed and/or e-mailed
this 13th day of March, 2015, to:

1 Stanley Young
2 **Covington & Burling**
3 333 Twin Dolphin Road
4 Redwood Shores, California 94065
5 Attorneys for **Plaintiffs**

6 Daniel J. Pochoda
7 Joshua D. Bendor
8 **ACLU Foundation of Arizona**
9 3707 North 7th Street, Ste. 235
10 Phoenix, Arizona 85014
11 Attorneys for **Plaintiffs**

12 Andre Segura
13 **ACLU Immigrants' Rights Project**
14 125 Broad Street, 18th Floor
15 New York, New York 10004
16 Attorneys for **Plaintiffs**

17 Anne Lai
18 **University of California**
19 **Irvine School of Law-Immigrant Rights Clinic**
20 401 E. Peltason Drive, Ste. 3500
21 Irvine, California 92616
22 Attorneys for **Plaintiffs**

23 Jorge M. Castillo
24 **MALDEF**
634 S. Spring Street, 11th Floor
Los Angeles, California 90014
Attorneys for **Plaintiffs**

A. Melvin McDonald
Jones, Skelton & Hochuli, P.L.C.
2901 North Central Avenue, Suite 800
Phoenix, Arizona 85012
Attorney for **Sheriff Joseph M. Arpaio**

Gary L. Birnbaum
David J. Ouimette
Dickenson Wright PLLC
1850 N. Central Ave., Ste. 1400
Phoenix, Arizona 85016
Attorneys for **Deputy Chief John MacIntyre**

1 Lee Stein
Barry Mitchell
2 **Mitchell Stein Carey, PC**
One Renaissance Square
3 2 North Central Ave., Ste. 1900
Phoenix, Arizona 85004
4 Attorneys for **Chief Deputy Gerard Sheridan**

5 Dennis I. Wilenchik
6 John D. Wilenchik
Wilenchik & Bartness
7 2810 North 3rd Street
Phoenix, Arizona 85004
8 Attorneys for **Brian Sands**

9 Greg S. Como
Dane A. Dodd
10 **Lewis Brisbois Bisgaard & Smith, LLP**
Phoenix Plaza Tower II
11 2929 N. Central Ave., Ste. 1700
Phoenix, Arizona 85012
12 Attorneys for **Brian Sands**

13
14 By: *Phill Kaufman*
15

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23
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EXHIBIT C

COVINGTON

BEIJING BRUSSELS LONDON LOS ANGELES
NEW YORK SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

Covington & Burling LLP
333 Twin Dolphin Drive
Suite 700
Redwood Shores, CA 94065-1418
T +1 650 632 4700

VIA EMAIL

March 17, 2015

Michele M. Iafrate
IAFRATE & ASSOCIATES
649 N. 2nd Avenue
Phoenix, Arizona 85003

Re: Ortega Melendres v. Arpaio: March 13, 2015 Interrogatory Responses

Dear Michele:

I write regarding Sheriff Arpaio's and MCSO's Response to Plaintiffs' Amended First Set of Interrogatories to Defendants regarding Contempt and the privilege log served that same day.

Those interrogatory responses are deficient in several respects, and we request supplementation at the earliest opportunity so that Plaintiffs will have a fair chance to prepare for the upcoming hearing as contemplated by the Court's February 12, 2015 Order authorizing the interrogatories to be served.

First, the responses have not been signed by the party, as required under Federal Rule of Civil Procedure 33(b)(5). Please provide the required party verification.

Second, the response to Interrogatory No. 3 is not complete. The interrogatory asks when the Preliminary Injunction was communicated to MCSO personnel. The response indicates only when the Preliminary Injunction was communicated to Arpaio, Sands, Sheridan, and Sousa. Please supplement the response to state when the Preliminary Injunction was communicated to patrol deputies, and in particular the members of the Human Smuggling Unit, who were the most relevant persons responsible for the affected detentions. If your response is that the Preliminary Injunction was never communicated to any other MCSO personnel beyond the four individuals already named, please amend the response to clarify.

Third, please clarify the response to No. 8. That response appears to first list the chiefs overseeing HSU and then to list everyone in HSU based on when they began in HSU, with parentheticals explaining when they left HSU. Do you mean to say that all the listed people were responsible for collecting documents related to HSU that were required to be disclosed in litigation? If so, please so state. Moreover, please specify which non-HSU persons (e.g., people in the legal liaison office) were also responsible for such collection.

Fourth, the response to No. 10 is incomplete. For example, it does not list the staff meeting to which Chief MacIntyre refers, where he discussed his understanding of the

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Michele M. Iafrate
March 17, 2015
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Preliminary Injunction. The requested information should be provided about this meeting and any others that occurred. Also, the response does not answer the second part of the interrogatory, which covers meetings and conversations about the May 14, 2014 oral orders. Please supplement to provide that information too.

We also have questions about the privilege logs served on March 13.

The fifth item (a 1/11/12 4:02 p.m. email from Mr. Casey) refers to a 1/11/12 email from Joseph Sousa. Is that 1/11/12 Sousa email the same email (1/11/12 at 11:16 a.m.) for which privilege is claimed in the fourth item on the log?

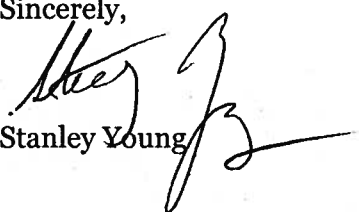
The sixth item (a 1/24/12 11:14 a.m. email from Mr. Casey) refers to a Sousa 1/24/12 email that in turn refers to Brett Palmer's training scenarios. Neither the 1/24/12 Sousa email nor the Palmer training scenarios are listed separately on the log. Is some sort of privilege claimed for those two items as well? If not, please produce those items. If privilege is claimed for either or both of those items, please add them to the log and specify the information required for them (dates, to, from, etc.). The log entry seems to say that either the Sousa 1/24/12 Sousa email or the Palmer training scenarios were "prepared for attorney review". If this is so, please specify when it or they were so prepared, and name all persons to whom such item(s) were shown or given.

We reserve all rights to request further relief from the Court on these items based on your responses to these inquiries.

We would like to talk to you about this and other discovery issues, including document production, at your earliest opportunity, and will be contacting you for that purpose.

Thanks very much.

Sincerely,


Stanley Young

cc: Thomas P. Liddy

Cecillia Wang

Daniel J. Pochoda

Joshua D. Bendor

Andre Segura

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Michele M. Iafrate
March 17, 2015
Page 3

Annie Lai

Jorge Castillo

A. Melvin McDonald

Gary L. Birnbaum and David J. Ouimette

Lee Stein and Barry Mitchell

Dennis Wilenchik and John D. Wilenchik

Greg S. Como and Dane A. Dodd
