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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 **MARIA M. GONZALEZ; JESUS M.**
13 **GONZALES; BERNIE ABEYTIA;**
14 **LUCIANO VALENCIA; DEBBIE**
15 **LOPEZ, SOUTHWEST VOTER**
16 **REGISTRATION EDUCATION**
17 **PROJECT; VALLE DEL SOL;**
18 **FRIENDLY HOUSE; CHICANOS POR**
19 **LA CAUSA, INC.; and ARIZONA**
20 **HISPANIC FORUM,**

21 **Plaintiffs,**

22 **v.**

23 **STATE OF ARIZONA, JAN BREWER,**
24 **in her official capacity as the Secretary of**
25 **State of the State of Arizona, et al.,**

26 **Defendants.**

No. CV06-1268-PHX ROS (Lead)
No. CV06-1362-PCT-JAT
No. CV06-1575-PHX-EHC

**TWELVE COUNTY
DEFENDANTS' JOINDER TO
STATE DEFENDANTS' REPLY
IN SUPPORT OF SPECIFIC
OBJECTIONS TO GONZALEZ
PLAINTIFFS SUMMARY
JUDGMENT EXHIBITS**

**(Assigned to the
Honorable Roslyn O. Silver)**

1 Defendants Maricopa County Recorder Helen Purcell and Maricopa County
2 Elections Director Karen Osborne; Apache County Recorder LeNora Johnson and
3 Apache County Elections Director Penny L. Pew; Cochise County Recorder Christine
4 Rhodes and Cochise County Elections Director Thomas Schelling; Gila County
5 Recorder Linda Haught Ortega and Gila County Elections Director Dixie Mundy;
6 Graham County Recorder Wendy John and Graham County Elections Director Judy
7 Dickerson; Greenlee County Recorder Berta Manuz and Greenlee County Elections
8 Director Yvonne Pearson; La Paz County Recorder Shelly Baker and La Paz County
9 Elections Director Donna Hale; Mohave County Recorder Joan McCall and Mohave
10 County Elections Director Allen Tempert; Pima County Recorder F. Ann Rodriguez and
11 Pima County Elections Director Brad R. Nelson; Santa Cruz County Recorder Suzie
12 Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai County
13 Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A.
14 Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County
15 Elections Director Patti Madrill (collectively “County Defendants”), by and through
16 undersigned counsel, hereby joins the State Defendants’ Reply in Support of
17 Defendants’ Specific Objections to Gonzalez Plaintiffs Summary Judgment Exhibits.

18 The County Defendants have received and reviewed the July 3, 2008 Reply filed
19 by Defendants State of Arizona and Secretary of State (“State Defendants”) in this
20 matter. Dkt. 907, 911. The State’s Objections correctly set forth the applicable law and
21 the position of County Defendants. Accordingly, the County Defendants join in the State
22 Defendants Reply and incorporate it fully herein by reference.

County Defendants additionally note that Gonzalez Plaintiffs have not adequately
responded to Defendants’ objections regarding relevancy. While Gonzalez Plaintiffs have
identified which issues they believe some of their exhibits are relevant to, they have wholly
failed to explain to the Court or the Defendants *how* those exhibits are relevant. The conclusory

1 statements of counsel are not enough to establish relevancy. Rather the evidence must meet the
2 definition of relevancy set forth in the Federal Rules of Evidence. “‘Relevant evidence’
3 means evidence having any tendency to make the existence of any fact that is of
4 consequence to the determination of the action more probable or less probable than it
5 would be without the evidence.” Federal Rules of Evidence, Rule 401. Plaintiffs have
6 identified broad categories of issues that they perceive still need to be addressed in this
7 case and generally indicate that their exhibits are “relevant” to one or more of these
8 categories. However, Plaintiffs have wholly neglected to show any specific fact that is
9 disputed, of consequence, and is affected by their exhibits. Thus, Plaintiffs have failed
10 to appropriately address and overcome Defendants relevancy objections.

11 As such, the County Defendants join with the State Defendants Replying in
12 Support of Objections to Summary Judgment Evidence. The County Defendants
13 respectfully request that the Court strike the nearly 800 “facts” not cited to by Plaintiffs
14 and strike the Exhibits, as objected to.

15 **DATED** this 3rd day of July, 2008.

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8 CERTIFICATE OF SERVICE

9 I hereby certify that on the 3rd day of July, 2008, I caused the foregoing document
10 to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing
11 and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

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5 COPY of the foregoing filed electronically
this 3rd day of July, 2008.

6 COPY of the foregoing mailed with Notice of
Electronic Filing this 3rd day of July, 2008 to:

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8 The Honorable Roslyn O. Silver
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11

/s Tonya Mills

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