

EXHIBIT

C



MALDEF

Mexican American Legal Defense and Educational Fund

San Antonio
Regional Office
110 Broadway
Suite 300
San Antonio, TX 78205
Tel: 210.224.5476
Fax: 210.224.5382

December 21, 2007

National Headquarters
Los Angeles
Regional Office
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
Fax: 213.629.0266

Peter D. Gregory
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue
Room 4210
Washington, DC 20529

Atlanta
Regional Office
41 Marietta Street
Suite 1000
Atlanta, GA 30303
Tel: 678.559.1071
Fax: 678.559.1079

Dear Mr. Gregory:

Chicago
Regional Office
11 East Adams Street
Suite 700
Chicago, IL 60603
Tel: 312.427.0701
Fax: 312.427.0691

I am writing to follow up on our conversation earlier today regarding our plans to notice a Fed. R. Civ. P. 30 (b) (6) deposition of USCIS. As I mentioned on the phone, MALDEF is flexible in scheduling the deposition anytime before January 18, 2008. I have attached a preliminary list of topics that will be covered in the deposition and look forward to your response. If you have any questions, please feel free to respond to me at the phone number below. Thank you.

Washington, D.C.
Regional Office
17 17 K Street, NW
Suite 311
Washington, DC 20036
Tel: 202.293.2828
Fax: 202.293.2849

Truly yours,

Nina Perales
Southwest Regional Counsel

Houston
Program Office
Ripley House
4410 Navigation
Suite 118
Houston, TX 77011
Tel: 713.315-6494
Fax: 713.315-6404

Sacramento
Satellite Office
1107 9th Street
Suite 240
Sacramento, CA 95814
Tel: 916.443.7531
Fax: 916.443.1541

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Maria M. Gonzalez, et al.,

SUBPOENA IN A CIVIL CASE

V.

State of Arizona, et al.

Case Number:¹ CV-06-1268-PHX-ROS

TO: U.S. Citizenship and Immigration Services, through Fed. R.
Civ. P. 30(b)(6), c/o Peter Gregory, Office of the Chief
Counsel, U.S. CIS, U.S. Dept. of Homeland Security, 20
Massachusetts Ave., Washington, NW, DC 20529

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 20 Massachusetts Ave., NW, Washington, DC 20529	DATE AND TIME 1/8/2008 9:30 am
---	-----------------------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
-Alien file ("A file") of Maria Magdalena Gonzalez of Yuma, AZ, DOB 4/13/1953.

("A file") of Jesus M. Gonzalez of Yuma, AZ, DOB 11/08/1949.

PLACE Same as above.	DATE AND TIME 1/8/2008 9:30 am
----------------------	-----------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Nina Perales for Plaintiffs</i>	DATE 12/26/2007
---	--------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Nina Perales
MALDEF, 110 Broadway, Suite 300, San Antonio, TX 78205, (210-224-5457)

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

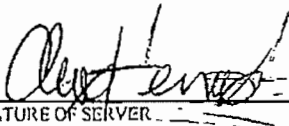
PROOF OF SERVICE

	DATE	PLACE	U.S. Citizenship & Immigration Services c/o Homeland Security 20 Massachusetts Avenue, N.W., Wash., DC 20529
SERVED	December 28, 2007 @ 11:52 a.m.		
SERVED ON (PRINT NAME) U.S. Citizenship & Immigration Services c/o Homeland Security, Lori Greenfield, Authorized Agent		MANNER OF SERVICE Corporate	
SERVED BY (PRINT NAME) Alex Hernandez		TITLE Private Process Server	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12/28/07
DATE


SIGNATURE OF SERVER

P.O. Box 18647, Washington, DC 20036
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

Nina Perales

From: Barbara Bailey [Barbara.Bailey@azag.gov]
Sent: Friday, December 28, 2007 11:00 AM
To: Nina Perales
Cc: Carrie Brennan
Subject: Third party deposition

Nina,

We received an e-notification that the Gonzalez plaintiffs filed a notice of third party deposition of the U.S. Citizenship and Immigration Services on December 21. The notice does not indicate whether or when any subpoena was served on that office. Would you please let us know what, if anything, was served on that office?

Thanks,
Barbara

Nina Perales

From: Barbara Bailey [Barbara.Bailey@azag.gov]
Sent: Wednesday, January 02, 2008 9:43 AM
To: Nina Perales; Kathleen E. Rapp
Cc: Diego Bernal; Connor Colleen
Subject: Re: 12-21-07.NOD for US citizenship & immigration services.pdf

Nina and Diego,
Would one of you please forward the name and telephone number of the CIS lawyer you are working with in connection with the deposition plaintiffs noticed?
Thanks,
Barbara

>>> Barbara Bailey 12/31/2007 3:44 PM >>>
Nina,

Would you please forward the name and telephone number of the CIS lawyer you refer to in your email below?

Thanks very much,
Barbara

>>> Nina Perales <nperales@MALDEF.org> 12/31/2007 3:40 PM >>>
I will ask the cis lawyer about teleconference capabilities at their location. Diego is in the office and will forward the proof of service if we have received it.
Sent from a Verizon Blackberry device.

Nina Perales
Regional Counsel
MALDEF
110 Broadway Suite 300
San Antonio, TX 78205
(210) 224-5476 ph
(210) 224-5382 fax

-----Original Message-----

From: "Kathleen E. Rapp" <KathleenR@wb-law.com>

Date: Mon, 31 Dec 2007 15:22:44

To: "Nina Perales" <nperales@MALDEF.org>

Cc: "Connor Colleen" <connorc@mcao.maricopa.gov>, "Barbara Bailey" <Barbara.Bailey@azag.gov>

Subject: 12-21-07.NOD for US citizenship & immigration services.pdf

Nina,

I know from Barb that you were planning on sending us all proof of service of a subpoena on this deposition. Can you verify if this is going forward? If so, do you have teleconference capability since this was noticed for DC at such a late date?

Thanks!
Katie

6/23/2008

<<http://mail.wb-law.com/banner.jpg>>

ATTORNEY/CLIENT COMMUNICATION

The information transmitted by this e-mail is intended only for the addressee and may contain confidential and/or privileged material. Any interception, review, retransmission, dissemination or other use of this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at (602) 606-2810, and delete the communication from any computer or network system.

Office of the Chief Counsel

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W., Room 4210
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

January 4, 2008

Nina Perales
110 Broadway, Suite 300
San Antonio, TX 78205

Dear Ms. Perales:

I have received your letter dated January 2, 2008 in which you outlined the reasons that you are requesting U.S. Citizenship and Immigration Services (USCIS) representatives to provide deposition testimony and documents in the case of *Maria M. Gonzalez, et al. v. State of Arizona, et al.* that is currently pending before the United States District Court for the District of Arizona. I am considering the information you provided, however, I do not anticipate that USCIS will be in a position to respond to the third party subpoena by January 18.

I will be out of the office for one week beginning January 7. In addition, USCIS officials who have information responsive to the subpoena are out of the office this week. In order to ensure that USCIS is in a position to fully respond to the subpoena, I must discuss this issue with the relevant officials. I do not believe that I can complete these discussions by January 18.

Accordingly, I am requesting that you re-issue a subpoena with a return date between January 25 and 31. This additional time will ensure that USCIS can provide an adequate response to the subpoena. If you have any questions, you may contact me by phone at (202)272-1451 or via e-mail at peter.gregory1@dhs.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Gregory", written over a large, stylized flourish.

Peter D. Gregory
Chief, Commercial and Administrative Law Division

Office of the Chief Counsel

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W. Room 4210
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Facsimile Transmission

To: Nina Perales

From: Peter Gregory, Chief
Commercial and Administrative Law
Division

Phone: (202)272-1451

Fax: (202)272-1405

Fax: (210)224-5382

Pages: 2—Including Cover

Phone:

Date: January 4, 2008

Re:

CC:

Comments:

WARNING! This facsimile transmission cover sheet and any documents that accompany it are intended only for the individual or entity it is addressed to and may contain information that is privileged, confidential and exempt under applicable law. If the reader of this message is not the intended recipient, **YOU ARE HEREBY NOTIFIED** that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Maria M. Gonzalez, et al.

SUBPOENA IN A CIVIL CASE

V.

State of Arizona, et al.

Case Number:¹ CV 06-1268-PHX-ROS (LEAD)

TO: U.S. Citizenship and Immigration Services, through
Fed.R.Civ.P. 30(b)(6), c/o Peter Gregory, Office of the Chief
Counsel, U.S. CIS, U.S. Dept. of Homeland Security,
20 Massachusetts Ave., NW, Washington, DC 20529

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 20 Massachusetts Ave., NW, Washington, DC 20529	DATE AND TIME 1/30/2008 9:30 am
---	------------------------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Nina Perales attorney for Plaintiffs</i>	DATE 1/8/2008
--	------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Nina Perales
SW Regional Counsel, MALDEF, 110 Broadway, Suite 300, San Antonio, TX 78205, (210) 224-5476

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MARIA M. GONZALEZ, ET AL PLAINTIFF
Petitioner

DOCKET NO:
CV06-1268-PHX-ROS

vs

STATE OF ARIZONA, ET AL DEFENDANT
Respondent

AFFIDAVIT OF
SERVICE

Now comes, Alex Hernandez, the undersigned and does hereby swear and affirm, affiant is a Private Process Server and Disinterested Person over the age of eighteen. Affiant is not a party in the above styled cause and has a legal domicile of College Park, Maryland.

I, Alex Hernandez certify that on, **Thursday, January 10, 2008, at 11:21 AM**, I served a copy of the within **Subpoena and Schedule A** upon the within named **U.S. Citizenship & Immigration Services**, in the following manner,

(xx) Corporate/Partnership Service: Through Personal Service of each document, a true copy to **Lakisha Richardson**, whom based on information and belief affiant knew said individual to be Authorized Agent, a person authorized to accept service on behalf of **U.S. Citizenship & Immigration Services**.

Said service was effected at the following location: **20 Massachusetts Avenue, N.W., Washington, DC 20529.**

I, Alex Hernandez describe the individual accepting service **Lakisha Richardson** as follows: **Lakisha Richardson** is a Black Female, approximately 37 years of age, with Black hair, approximately 5' 5" and weighing 160-170 lbs pounds.

I, Alex Hernandez certify that my statements, contained within the foregoing affidavit are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to and subscribed before me on
January 11, 2008.

Christina S. Thompson
Notary Public

Christina S. Thompson
Comm Exp. 03/01/2011

Alex Hernandez
ALEX HERNANDEZ
P.O. Box 18647
Washington, DC 20036

Carmen Leija

From: Nina Perales temp
Sent: Monday, January 28, 2008 4:31 PM
To: peter.gregory1@dhs.gov
Cc: David Urias; Diego Bernal; Carmen Leija
Subject: 30b6 deposition

Dear Mr. Gregory,

I write to follow up on our subpoena to take a Rule 30b6 deposition of USCIS on January 30, 2008. Please let me know whether you have the witness(s) available for this deposition and I will make my travel plans. Thank you.

Nina Perales

From: Barbara Bailey [Barbara.Bailey@azag.gov]
Sent: Tuesday, January 29, 2008 4:22 PM
To: Nina Perales temp
Cc: Carrie Brennan; Colleen Connor; Kathleen E. Rapp
Subject: Re: 30b6 deposition of USCIS

Nina,

Do you have any more information since your email below regarding the deposition of USCIS? We presume since we have not heard back from you that the deposition is not being taken tomorrow?

Thanks,
Barbara

>>> "Nina Perales temp" <nperales@MALDEF.org> 1/23/2008 3:18 PM >>>
Dear Counsel,

As you know, Gonzalez Plaintiffs are in the process of setting a Rule 30b6 deposition of the U.S. Citizenship and Immigration Service (CIS). CIS has asked that we take this deposition on January 30 but at this point cannot confirm whether the witness will be available that day. The attorney for CIS has promised to let me know by Friday of this week or Monday of next week whether we are going forward on the 30th or whether we need to set the deposition for a later date. I understand from talking with you that you will cover the deposition by telephone. I will inform you immediately upon learning when this deposition will take place and will also file a notice at that time in ECF. Thanks.

6/23/2008

Issued by the
UNITED STATES DISTRICT COURT
 DISTRICT OF COLUMBIA

Maria M. Gonzalez, et al.,

SUBPOENA IN A CIVIL CASE

V.

State of Arizona, et al.,

Case Number:¹ CV-06-1268-PHX-ROS

TO: U.S. Citizenship and Immigration Services, through Fed. R.
 Civ. P. 30(b)(6), c/o Peter Gregory, Office of the Chief
 Counsel, U.S. CIS, U.S. Dept. of Homeland Security
 20 Massachusetts Ave., Washington, NW, DC 20529

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. For 30(b)(6) Topics, See Schedule A attached.

PLACE OF DEPOSITION 1016 16th Street, NW., Suite 100 Washington, DC 20036	DATE AND TIME 4/22/2008 9:00 am
--	------------------------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) <i>Nina Perales for Plaintiffs</i>	DATE 4/9/08
---	----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 Nina Perales
 MALDEF, 110 Broadway, Suite 300, San Antonio, TX 78205, (210-224-5476)

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

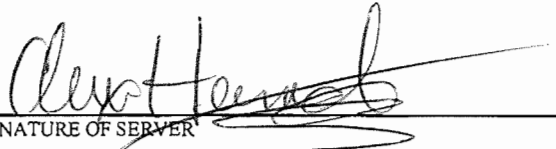
PROOF OF SERVICE

DATE	PLACE
SERVED 4/10/08 @ 2:58 p.m.	20 Massachusetts Avenue, N.W. Washington, DC 20529
SERVED ON (PRINT NAME)	MANNER OF SERVICE
U.S. Citizenship and Immigration Services c/o Lakisha Richardson, Authorized Agent	Corporate Service
SERVED BY (PRINT NAME)	TITLE
Alex Hernandez	Private Process Server

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/10/08
DATE


SIGNATURE OF SERVER
P.O. Box 18647, Washington, D.C. 20036
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

Office of the Chief Counsel

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W., Room 4210
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

COPY

VIA FACSIMILE ONLY

April 16, 2008

Nina Perales
110 Broadway, Suite 300
San Antonio, TX 78205

Dear Ms. Perales:

I have received your latest subpoena as well as your letter dated April 15, 2008. The purpose of this letter is to inform you that U.S. Citizenship and Immigration Services (USCIS) representatives will testify at the deposition noticed in your subpoena. USCIS, however, will not be providing you with documents related to Maria Magdalena Gonzalez or Jesus Maria Gonzalez. As I explained to you in earlier correspondence, USCIS is prevented from releasing these records absent a notarized, written release from the individuals or made "pursuant to the order of a court of competent jurisdiction" pursuant to subsection (b)(11) of the Privacy Act. Thus, USCIS will not disclose these records until you provide me with the appropriate written release or a court order. Neither the subpoena nor the notice of deposition you provided meets the requirements of a court order.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Gregory".

Peter D. Gregory
Chief, Commercial and Administrative Law Division

Office of the Chief Counsel

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W. Room 4210
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Facsimile Transmission

To: Nina Perales

From: Peter Gregory, Chief
Commercial and Administrative Law
Division

Phone: (202)272-1451
Fax: (202)272-1405

Fax: (210)224-5382

Pages: 2—Including Cover

Phone:

Date: April 16, 2008

Re:

CC:

Comments:

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MALDEF

Mexican American Legal Defense and Educational Fund

**San Antonio
Regional Office**
110 Broadway
Suite 300
San Antonio, TX 78205
Tel: 210.224.5476
Fax: 210.224.5382

April 21, 2008

**National Headquarters
Los Angeles
Regional Office**
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
Fax: 213.629.0266

Steven A. LaMar
Senior Litigation Counsel
Office of the Attorney General
State of Arizona
1275 W. Washington
Phoenix, AZ 85007-2926

**Atlanta
Regional Office**
34 Peachtree St NW
Suite 2500
Atlanta, GA 30303
Tel: 678.559.1071
Fax: 678.559.1079

RE: *Gonzalez, et al. v. State of Arizona, et al.*
Civil Action No. 06-1268-PHX-ROS (Lead)

Dear Mr. LaMar:

**Chicago
Regional Office**
11 East Adams Street
Suite 700
Chicago, IL 60603
Tel: 312.427.0701
Fax: 312.427.0691

We are not in receipt of your April 18, 2008 letter regarding the 30(b)(6) deposition of the U.S. Citizenship and Immigration Services (USCIS), but we know of its existence as ITCA Plaintiffs sent us an electronic copy via email this afternoon.

**Houston
Program Office**
Ripley House
4410 Navigation
Suite 118
Houston, TX 77011
Tel: 713.315-6494
Fax: 713.315-6404

State Defendants are well aware of Gonzalez Plaintiffs' intentions to take the USCIS deposition. Gonzalez Plaintiffs properly served a third-party subpoena on USCIS that set a date of deposition for January 8, 2008- well before the close of discovery in this case. USCIS requested an extension to comply and Gonzalez Plaintiffs subsequently issued a second subpoena to reflect the arrangement, but USCIS failed to appear for the deposition. Thus, Gonzalez Plaintiffs served a third subpoena on USCIS and that deposition is set for April 22, 2008.

**Sacramento
Satellite Office**
1107 9th Street
Suite 240
Sacramento, CA 95814
Tel: 916.443.7531
Fax: 916.443.1541

Gonzalez Plaintiffs will proceed with the deposition and encourage State Defendants to attend. If State Defendants wish to participate by phone please let us know so that we can make the necessary arrangements.

**Washington, D.C.
Regional Office**
1016 18th Street, NW
Suite 100
Washington, DC 20036
Tel: 202.293.2828
Fax: 202.293.2849

Please do not hesitate to contact us with any questions or concerns. Thank you.

Truly yours,

Diego Bernal
Staff Attorney

Confirmation Report - Memory Send

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Tel line : 2102245382
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FACSIMILE TRANSMITTAL SHEET

Form with fields: To: Steven A. LaMar, From: Diego Bernal, Date: April 21, 2008, FAX NUMBER: (602) 542-3393, COMPANY: PHX-ROS, PHONE NUMBER:, SENDER'S REFERENCE NUMBER:, YOUR REFERENCE NUMBER:, Re: Gonzalez v. State of Arizona, CV-06-1268- PHX-ROS. Includes checkboxes for URGENT, FOR REVIEW, PLEASE COMMENT, PLEASE REPLY, PLEASE RECYCLE.

NOTES/COMMENTS:

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The Mexican American Legal Defense and Educational Fund (MALDEF) is a national nonprofit organization whose mission is to protect and promote the civil rights of the over 29 million Latinos in the United States. Dedicated to securing rights in employment, education, immigration, political access and language, the organization achieves its objectives through litigation, advocacy, community education, and collaboration with other groups and individuals.