

KENNETH A. ANGLE
GRAHAM COUNTY ATTORNEY
800 West Main Street
Safford, AZ 85546
(928) 428-3620
State Bar No. 014722

Attorney for Jean Reynolds
Graham County Treasurer

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,
Plaintiff,

vs.

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

No. CV 06-1268-PHX-ROS (Lead)
CV06-1362-PHX-ROS
CV 06-1575-PHX-ROS

**OBJECTION OF GRAHAM COUNTY
TREASURER TO SUBPOENA
REQUIRING PRODUCTION OF
MATERIALS**

Assigned to the Honorable Roslyn O. Silver

The Graham County Treasurer, Jean Reynolds, by and through undersigned counsel, hereby objects to the requirement to produce “all uncounted provisional and conditional provisional ballot envelopes from each election held in the county since January 2005.” This requirement to produce is contained in a subpoena served on the Treasurer on February 4, 2008. The documents were required to be produced on February 15, 2008.

Contemporaneously with service of the above subpoena on the Graham County Treasurer, similar subpoenas were served upon the other County Treasurers throughout the state. As a result, objections to the subpoenas have been filed by the state defendants. The Pima County Treasurer has also filed a motion to quash the subpoena alleging that the Treasurer has no legal authority to comply with the subpoena and that to do so could subject her to criminal or civil penalty. The Graham County Treasurer joins in the motion to quash the subpoena filed by the Pima County Treasurer and

the other defendants.

The documents sought, the envelopes containing uncounted provisional or conditional provisional ballots, would contain confidential information. The outside of the envelopes would contain the voter's name, the voter's signature, the voter's address and the voter's telephone number or telephone number where the voter could be contacted. The envelope would also identify the precinct and contain the poll worker's name and signature.

Because this information is confidential, and because legal challenges have been made to the authority of a County Treasurer to comply with the subpoena, it would be imprudent for the Graham County Treasurer to comply with the subpoena prior to this Court's ruling on the pending challenges to the subpoena. Therefore, the Graham County Treasurer hereby objects to the subpoena pursuant to Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure, and requests this Court to rule on all pending objections and challenges to these subpoenas, and either quash the subpoenas for all affected County Treasurers or issue an order to compel those County Treasurers to comply with the subpoena.

RESPECTFULLY SUBMITTED this _____ day of February, 2008.

KENNETH A. ANGLE
Graham County Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of February, 2008, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing and transmittal of a Notice of Electronic Filing to the following CM/ECF Registrants:

Daniel R. Ortega, Jr.
Roush McCracken Guerreo
Miller & Ortega
650 North 3rd Avenue
Phoenix, AZ 85003
Danny@rmgmoinjurylaw.com

Nina Perales
Mexican American Legal Defense
And Education Fund
110 Broadway, Suite 300
San Antonio, TX 78205
nperales@maldef.org

M. Colleen Conner
Maricopa County Attorney's Office
Division of County Counsel
222 North Central Avenue, Suite 1100
Phoenix, AZ 85003
connorc@mcao.maricopa.gov

Daniel Jurkowitz
Pima County Attorney's Office
32 North Stone Avenue, Suite 2100
Tucson, AZ 85701
Daniel.Jurkowitz@pcao.pima.gov

Dennis I. Wilenchik
Kathleen Rapp
Wilenchik and Bartness Building
2810 North Third Street
Phoenix, AZ 85004
diw@wb-law.com
kathleen@wb-law.com

John Greenbaum
Benjamin Blustein
Lawyer's Committee for Civil
Rights Under Law
1401 New York Avenue, Suite 400
Washington, DC 20005
jgreenbaum@lawyerscommittee.org

Elliot M. Mineberg
David J. Becker
People for the American Way Foundation
2600 M Street NW, Suite 400
Washington, DC 20036
emineberg@pfaw.org
dbecker@pfaw.org

David B. Rosenbaum
Thomas L. Hudson
Sara S. Greene
Osborn Maledon, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012
drosenbaum@omlaw.com
thudson@omlaw.com
sgreene@omlaw.com

Jean E. Wilcox
Coconino County Attorney's Office
110 East Cherry Avenue
Flagstaff, AZ 86001
jwilcox@coconino.az.gov

David J. Bodney
Karen J. Hartman-Tellez
Steptoe & Johnson LLP
Collier Center
201 East Washington Street, Suite 1600
Phoenix, AZ 85004
dbodney@steptoe.com
khartman@steptoe.com

Daniel B. Kohrman
AARP Foundation Litigation
601 E. Street NW, Suite A4-240
Washington, DC 20049
dkohrman@aarp.org

Neil Bradley
ACLU Southern Regional Office
2600 Marquis One Tower
245 Peachtree Center Avenue
Atlanta, GA 30303
nbradley@aclu.org

Luis Roberto Vera, Jr.
League of United Latin American
Citizens
111 Soledad, Suite 1325
San Antonio, TX 78205
Irvlaw@sbcglobal.net

Joe P. Sparks
Susan B. Montgomery
Sparks, Tehan & Ryley PC
The Inter Tribal Council of Arizona, Inc.
7503 First Street
Scottsdale, AZ 85251

Joe-sparks@qwest.net

1 Judith M. Dworkin
2 Marvin S. Cohen
3 Patricia Ferguson-Bohnee
4 SACKS TIERNEY P.A.
5 4250 North Drinkwater Blvd., 4th
6 Judith.Dworkin@sackstierney.com

Mary O. Grady
Solicitor General
Carrie J. Brennan
Barbara A. Bailey
Assistant Attorneys General
1275 West Washington Street
Phoenix, AZ 85007
Mary.OGrady@azag.gov

6 Melvin R. Bowers, Jr.
7 Lance B. Payette
8 Navajo County Attorney's Office
9 P.O. Box 668
10 Holbrook, AZ 86025
11 Lance.payette@co.navajo.az.us

Brenna L. Clani
Navajo County Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
brennalclani@navajo.org

9 Criss E. Candelaria
10 Bradley Carlyon
11 Apache County Attorney's Office
12 P.O. Box 637
13 St. Johns, AZ 86025
14 bcarlyon@apachelaw.com

Chris Roll
Nicole Weber
Pinal County Attorney's Office
P.O. Box 887
Florence, AZ 85232

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