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

MARIA M. GONZALEZ, et al.,)	
)	
Plaintiffs,)	
)	NO. CV-06-1268-PHX-ROS (Lead)
v.)	CV 06-1362-PHX-ROS
)	CV 06-1575-PHX-ROS
)	
STATE OF ARIZONA, et al.,)	
Defendant.)	MOTION TO QUASH SUBPOENA
)	
_____)	

Pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure, Greenlee County Treasurer Patricia Hernandez hereby moves this honorable court to quash the subpoena received on February 11, 2008, from Plaintiff's demanding "all uncounted provisional and conditional ballot envelopes from each election held in the county since January 2005." Ms. Hernandez in support of her motion, adopts the arguments of Maricopa County Treasurer, Charles Hoskins and Pima County Treasurer, Beth Ford as set forth in their respective motions to quash subpoena. While the volume of election information in Greenlee County is substantially less than that of Pima and Maricopa counties, so accordingly are the resources available to the treasurer. In addition to the legal liability pointed to by Maricopa and Pima counties, the practical impediments to compliance set forth in Ms. Ford's affidavit are exactly the same for the Greenlee County Treasurer, Ms. Hernandez. Boxes of sealed election information are committed to her care for safekeeping pursuant to statute. She does not know what is inside the boxes.

In addition to the arguments set forth by Pima and Maricopa County, the Greenlee

1 County Treasurer is not a party to this action and regularly transacts the business of her office
2 exclusively in Greenlee County. There is no part of Greenlee County that is not substantially
3 more than 100 miles from the place where the subpoena commands her to deliver the requested
4 documents. See Rule 45(c)(3)(A)(ii). Ms. Hernandez is not aware that Plaintiff has made a
5 showing of a substantial need for the material that cannot be otherwise met without undue
6 hardship. Furthermore, Plaintiff has made no offer or assurance to compensate the Greenlee
7 County Treasurer for the expense of compliance with the subpoena. Rule 45(c)(3)©.

8 For the foregoing reasons, the Greenlee County Treasurer moves this Court to quash the
9 subpoena for "all uncounted provisional and conditional ballot envelopes from each election held
10 in the county since January 2005."

11 RESPECTFULLY SUBMITTED this _____ day of _____, 2008.

12
13 /s/ _____
14 DEREK D. RAPIER
15 Greenlee County Attorney
16 BAR #014615 By: Michael W. McCarthy
17 Chief Deputy County Attorney
18 Bar No. 006924

17 CERTIFICATE OF SERVICE

18 I hereby certify that on this 14th day of February, 2008, I electronically transmitted the attached
19 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice
20 of Electronic Filing to the following CM/ECF participants: _____

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