

EXHIBIT 10

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Attorneys for Yuma County Defendants

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

12 MARIA M. GONZALEZ, et al.,

13 Plaintiffs,

14 v.

15 STATE OF ARIZONA, et al.,

16 Defendants.

No. CV06-1268-PHX ROS (LEAD)
CV06-1362-PHX-ROS
CV06-1575-PHX-ROS
(Consolidated)

**DEFENDANT YUMA COUNTY'S
RESPONSE TO GONZALEZ
PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION OF
DOCUMENTS TO
DEFENDANTS HIGHTOWER
MARLER AND MADRILL**

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20 Defendants Yuma County Recorder Susan Hightower Marler and Yuma County
21 Elections Director Patti Madrill (Yuma County), by and through undersigned counsel,
22

1 hereby submit the following Responses to Gonzalez Plaintiffs' First Set of Requests for
2 Production of Documents to Defendants Hightower Marler and Madrill.

3 **REQUESTED ITEMS**

4 **Request for Production No. 1:** All documents related to the training of any individual
5 on the implementation of the voter identification and voter registration provisions of
6 Proposition 200, including, but not limited to, materials from the Arizona Secretary of
7 State Election Officer Certification course, Secretary of State Recertification course,
8 Arizona County Recorder meetings, Arizona Association of Counties Annual
9 Conferences, Election Officials of Arizona meetings, City Clerk meetings, and the
10 Secretary of State Procedures Manual.

11 **Response:** Enclosed is the documentation requested, including a CD that
12 contains all correspondence regarding the voting provisions of Proposition 200.
13 Defendant Arizona Secretary of State will be providing the certification and procedures
14 manual documentation.

15 **Request for Production No. 2:** All documents related to Proposition 200 and its actual,
16 potential, or perceived effects on the ability of members of any racial or ethnic group to
17 register to vote and/or vote at the polls.

18 **Response:** Yuma County does not have the documentation requested.

19 **Request for Production No. 3:** All documents related to advocacy for or against the
20 voting provisions of Proposition 200.

21 **Response:** Yuma County does not have the documentation requested.

22 **Request for Production No. 4:** All documents related to any explanation of or
justification for the voting provisions of Proposition 200.

Response: Yuma County does not have the documentation requested.

Request for Production No. 5: All documents related to questions about the voting
provisions of Proposition 200.

Response: Yuma County does not have the documentation requested.

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Request for Production No. 6: All documents related to expressions of concern about the voting provisions of Proposition 200.

Response: Yuma County does not have the documentation requested.

Request for Production No.7: All documents related to comments by members of the public regarding the voting provisions of Proposition 200, including, but not limited to, Defendants’ responses and Defendants’ internal communications.

Response: Yuma County does not have the documentation requested.

Request for Production No. 8: All documents related to the rejection of voter registration applications by overseas uniformed personnel (or their family members) or overseas U.S. citizens, including but not limited to: rejected applications; information forwarded by the Arizona Secretary of State to counties; and responses by counties to voter registration applications by overseas military personnel (or their family members) or overseas U.S. citizens.

Response: Enclosed is the documentation requested.

Request for Production No. 9: All documents related to successful voter registration applications by overseas uniformed personnel (or their family members) or overseas U.S. citizens, including but not limited to: applications that resulted in the successful registration of the applicant; information forwarded by the Arizona Secretary of State to counties; and responses by counties to voter registration applications by overseas military personnel (or their family members) or overseas U.S. citizens.

Response: Enclosed is the documentation requested.

Request for Production No. 10: All documents related to the information contained in Tabs No. 1-3 (cited as Counties App. Tab. 1-3) in the Index to Appendix to Applicant’s Emergency Stay of the Order of the Ninth Circuit filed in the U.S. Supreme Court, including but not limited to updated versions of documents contained in Tabs 1-3.

Response: Yuma County does not have the documentation requested.

Request for Production No. 11: All documents related to the statement on page 10 of Applicant’s Emergency Stay of the Order of the Ninth Circuit (filed in the U.S. Supreme Court) that “To date in Maricopa County alone, fifteen individuals have been convicted of voter fraud, and there are over one hundred on-going criminal investigations into other instances of voter fraud.”

1 **Response:** Yuma County does not have the documentation requested.

2
3 **Request for Production No. 12:** Election returns, in total and by precinct, for the following elections:

4 2004 Primary Election (September 7, 2004)
5 2004 General Election (November 2, 2004)
6 2006 General Election (November 7, 2006)

7 **Response:** Enclosed is the documentation requested.

8 **Request for Production No. 13:** All uncounted provisional ballot envelopes from each election held within the County since January 2005.

9 **Response:** Yuma County objects to this Request to the extent that it is
10 overbroad, unduly burdensome, irrelevant, vague and ambiguous, and because the
11 conditional provisional ballot envelopes may only be obtained through a court order
12 (A.R.S. §16-624). Without waiving any objections, Yuma County is producing
13 documentation that identifies individuals who voted conditional provisional ballots.

14 **Request for Production No. 14:** All documents related to Jesus Gonzalez dob 11/08/49.

15 **Response:** Yuma County objects to this request to the extent that it is overbroad,
16 unduly burdensome, irrelevant, vague and ambiguous.

17 **Request for Production No. 15:** All documents related to Maria Gonzalez dob 04/13/53.

18 **Response:** Yuma County objects to this request to the extent that it is overbroad,
19 unduly burdensome, irrelevant, vague and ambiguous.

20 **Request for Production No. 16:** All documents related to Georgia Morrison Flores or
21 Georgia Morrison.

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1 **Response:** Yuma County objects to this request to the extent that it is overbroad,
2 unduly burdensome, irrelevant, vague and ambiguous.

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DATED this 28th day of November 2007.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: s/Colleen Connor
COLLEEN CONNOR
Deputy County Attorney

and

Dennis I. Wilenchik
Kathleen Rapp
WILENCHIK AND BARTNESS, P.C.
Attorneys for County Defendants

ORIGINAL of the forgoing mailed
this 28th day of November 2007 and to:

Nina Perales
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway, Suite 300
San Antonio, TX 78205
Attorneys for Gonzalez Plaintiffs

EXHIBIT 11

1 Nina Perales, TX SBN: 24005046
Diego Bernal, TX SBN: 24048350
2 MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND
3 110 Broadway, Suite 300
San Antonio, TX 78205
4 Ph: (210) 224-5476
nperales@maldef.org
5 dbernal@maldef.org

6 Daniel R. Ortega, Jr., SBN: 005015
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7 MILLER & ORTEGA
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8 Phoenix, Arizona 85003
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9 danny@rmgmoinjurylaw.com

10 Karl J. Sandstrom
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12 Ph:(202)434-1639
13 ksansdstrom@perkinscoie.com

14 Attorneys for Gonzalez Plaintiffs

15
16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Maria M. Gonzalez, et al.,) No. CV-06-1268-PHX-ROS(Lead)
19) No. CV-06-1362-PCT-ROS
Plaintiffs,) No. CV-06-1575-PCT-ROS
20)
vs.)
21) **GONZALEZ PLAINTIFFS'**
State of Arizona, et al,) **FIRST REQUEST FOR**
22) **PRODUCTION OF DOCUMENTS**
23 Defendants.) **TO DEFENDANTS HIGHTOWER**
24) **MARLER AND MADRILL**
25)

26 (Assigned to the
Honorable Roslyn O. Silver)
27)
28)

1 To: Susan Hightower Marler, Yuma County Recorder
2 Patti Madrill, Yuma County Elections Director
3 c/o M. Colleen Connor, MCAO Division of County Counsel, 222 N.
4 Central Avenue, Suite 1100, Phoenix, AZ 85003.

5 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs
6 request that, within thirty (30) days of service, the above-named Defendants produce the
7 documents requested in Section IV below in accordance with the Definitions and
8 Instructions set forth below. Further, the above-named Defendant are directed to
9 supplement these responses and production as provided by the same Rules. Unless
10 counsel for the parties makes another agreement, documents are to be produced at the
11 offices of the Mexican American Legal Defense and Educational Fund, Inc., 110
12 Broadway, Suite 300, San Antonio, Texas 78205.

13
14 I. DEFINITIONS

15 For purposes of these Requests for Production, the terms used herein shall have the
16 following meanings:

17
18 A. As used herein, the words “and” and “or” shall be construed either
19 conjunctively or disjunctively as required by the context to bring within the scope of
20 these requests any documents or information that might be deemed outside its scope by
21 another construction.

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23 B. “Proposition 200” refers to the voting provisions of Arizona Taxpayer and
24 Citizen Protection Act that amended A.R.S. §§ 16-152, 16-166 and 16-579 in November
25 2004.

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1 C. The term “relating to” shall have its usual meaning and shall also specifically
2 mean reflecting, concerning, referring to, describing, representing, evidencing or
3 constituting.
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5 D. “Document” and “documents” are defined to be synonymous in meaning and
6 equal in scope to the usage of the terms in Federal Rule of Civil Procedure 34(a), in its
7 broadest sense, and shall mean and include all computerized memoranda, databases,
8 spreadsheets, e-mail, any documents of identification and other information as well as
9 written, printed, typed, recorded or graphic matter of every kind and description, both
10 originals and copies, and all attachments and appendices thereto, that are in the
11 possession, custody or control of the Defendants or in the possession, custody or control
12 of the attorney for the Defendants. A draft of a non-identical copy is a separate
13 document within the meaning of this term.
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16 E. Without limiting the term “control,” a document is deemed to be within
17 your control if you have ownership, possession or custody of the document, or the right
18 to secure the document or copy thereof from any persons or public or private entity
19 having physical control thereof.
20

21 F. “Person” shall mean any individual, association, agency, commission, or other
22 legal or governmental entity or association.
23

24 G. “Statement” means and includes any written or graphic statement signed or
25 otherwise adopted or approved by the users in making it, any stenographic, mechanical,
26 electrical or other recording or a written transcription which is a substantially verbatim
27 recital or an oral statement made by a person which is contemporaneously recorded.
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1 H. "You" and "your" shall mean the Defendants, as well as all other persons
2 acting or purporting to act on behalf of the Defendants, including any attorney or other
3 representative.
4

5 I. The plural of any word used herein includes the singular, and the singular
6 includes the plural.

7 J. The masculine gender of any word used herein includes the feminine and the
8 neutral genders.
9

10 K. The past tense of any verb used herein includes the present tense, and the
11 present tense includes the past tense.

12 II. INSTRUCTIONS

13 1. Regarding documents called for by these requests as to which you claim a
14 privilege or which you contend are not subject to production, please provide at the time
15 for production a listing that describes each document and states with respect to each
16 such document:
17

- 18 a. the type of document (e.g., letter, memorandum, report, etc.);
- 19 b. the date;
- 20 c. the title;
- 21 d. the number of pages;
- 22 e. the author or addressor;
- 23 f. the names and address or addresses of any persons who have
24
25 received and/or who have obtained a copy of the document;
- 26 g. the subject matter of the document;
- 27
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1 B. An evasive or incomplete production is to be treated as a failure to produce
2 the requested documents.

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4 IV. REQUESTED ITEMS

5 **Request for Production No. 1:**

6 All documents related to the training of any individual on the implementation of
7 the voter identification and voter registration provisions of Proposition 200, including,
8 but not limited to, materials from the Arizona Secretary of State Election Officer
9 Certification course, Secretary of State Recertification course, Arizona County
10 Recorder meetings, Arizona Association of Counties Annual Conferences, Election
11 Officials of Arizona meetings, City Clerk meetings, and the Secretary of State
12 Procedures Manual.
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14
15 **Request for Production No. 2:**

16 All documents related to Proposition 200 and its actual, potential, or perceived
17 effects on the ability of members of any racial or ethnic group to register to vote and/or
18 vote at the polls.
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20 **Request for Production No. 3:**

21 All documents related to advocacy for or against the voting provisions of
22 Proposition 200.
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24 **Request for Production No. 4:**

25 All documents related to any explanation of or justification for the voting
26 provisions of Proposition 200.
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Request for Production No. 5:

All documents related to questions about the voting provisions of Proposition 200.

Request for Production No. 6:

All documents related to expressions of concern about the voting provisions of Proposition 200.

Request for Production No. 7:

All documents related to comments by members of the public regarding the voting provisions of Proposition 200, including, but not limited to, Defendants' responses and Defendants' internal communications.

Request for Production No. 8:

All documents related to the rejection of voter registration applications by overseas uniformed personnel (or their family members) or overseas U.S. citizens, including but not limited to: rejected applications; information forwarded by the Arizona Secretary of State to counties; and responses by counties to voter registration applications by overseas military personnel (or their family members) or overseas U.S. citizens.

Request for Production No. 9:

All documents related to successful voter registration applications by overseas uniformed personnel (or their family members) or overseas U.S. citizens, including but not limited to: applications that resulted in the successful registration of the applicant;

1 information forwarded by the Arizona Secretary of State to counties; and responses by
2 counties to voter registration applications by overseas military personnel (or their family
3 members) or overseas U.S. citizens.

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5 **Request for Production No. 10:**

6 All documents related to the information contained in Tabs No. 1-3 (cited as
7 Counties App. Tab. 1-3) in the Index to Appendix to Applicant's Emergency Stay of the
8 Order of the Ninth Circuit filed in the U.S. Supreme Court, including but not limited to
9 updated versions of documents contained in Tabs 1-3.
10

11 **Request for Production No. 11:**

12 All documents related to the statement on page 10 of Applicant's Emergency
13 Stay of the Order of the Ninth Circuit (filed in the U.S. Supreme Court) that "To date in
14 Maricopa County alone, fifteen individuals have been convicted of voter fraud, and
15 there are over one hundred on-going criminal investigations into other instances of voter
16 fraud."
17

18 **Request for Production No. 12:**

19 Election returns, in total and by precinct, for the following elections:

20 2004 Primary Election (September 7, 2004) for:

21 U.S. Representative District 1;

22 U.S. Representative District 2;

23 U.S. Representative District 8;

24 State Senate District 23

25 2004 General Election (November 2, 2004)
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- 1 Ballot Proposition 200;
- 2 U.S. Representative District 2;
- 3 U.S. Representative District 4;
- 4 U.S. Representative District 7;
- 5 U.S. Representative District 8;
- 6 State Senate District 10
- 7 State Senate District 17
- 8 State Senate District 29
- 9 2006 General Election (November 7, 2006)
- 10 U.S. Representative District 4;
- 11 U.S. Representative District 7;
- 12 State Senate District 23
- 13 State Senate District 24
- 14 State Senate District 26
- 15 Secretary of State
- 16 Ballot Proposition 100
- 17 Ballot Proposition 102
- 18 Ballot Proposition 103

19 **Request for Production No. 13:**

20 All uncounted provisional ballot envelopes from each election held within the
21 County since January 2005.
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1 **Request for Production No. 14:**

2 All documents related to Jesus Gonzalez, dob 11/08/49.

3 **Request for Production No. 15:**

4 All documents related to Maria Gonzalez dob 04/13/53.

5 **Request for Production No. 16:**

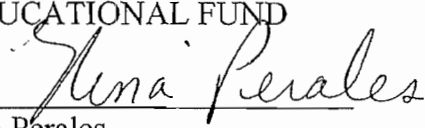
6 All documents related to Georgia Morrison Flores or Georgia Morrison.

7 Dated: October 16, 2007

8 Respectfully submitted,

9 MEXICAN AMERICAN LEGAL DEFENSE
10 AND EDUCATIONAL FUND

11 By:

12 
13 Nina Perales

14 Attorneys for Plaintiffs
15 Gonzalez, et al.

16 CERTIFICATE OF SERVICE

17 I hereby certify that on the 15th day of October, 2007, I mailed copies of the
18 foregoing document to:

19 M. Colleen Connor
20 MCAO Division of County Counsel
21 222 N. Central Avenue, Ste. 1100
22 Phoenix, Arizona 85003
23 (602) 506-8567 (fax)

24 Dennis I. Wilenchik
25 Kathleen Rapp
26 Wilenchik and Bartness, P.C.
27 The Wilenchik & Bartness Building
28 2810 North Third Street
Phoenix, Arizona 85004

Attorneys for 13 County Defendants

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3 Carrie J. Brennan
4 Barbara A. Bailey
5 Assistant Attorneys General
6 Office of the Attorney General
7 1275 W. Washington Street
8 Phoenix, Arizona 85007-2926

9 Attorney for Defendants State of Arizona and Secretary of State

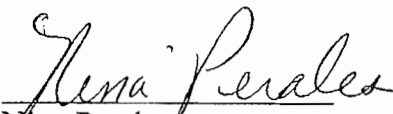
10 STEPTOE & JOHNSON LLP
11 David J. Bodney
12 Karen J. Hartman-Tellez
13 Collier Center
14 201 East Washington St., Ste. 1600
15 Phoenix, Arizona 85004-2382

16 OSBORN MALEDON, P.A.
17 David B. Rosenbaum
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20 2929 North Central Ave., 21st Floor
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22 Attorneys for The Inter Tribal Council of Arizona, Inc., et al.

23 SACKS TIERNEY P.A.
24 Marvin S. Cohen
25 Judith M. Dworkin
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27 4250 N. Drinkwater Blvd., 4TH Floor
28 Scottsdale, AZ 85251-3693

Attorneys for Navajo Nations

By: 
Nina Perales

Counsel for Plaintiffs, Gonzalez, et al.

EXHIBIT 12

Nina Perales

From: Connor Colleen [connorc@mcao.maricopa.gov]
Sent: Friday, December 14, 2007 3:57 PM
To: Nina Perales
Cc: Diego Bernal; Hartman, Karen; Barbara Bailey; kathleenr@wb-law.com
Subject: RE: Yuma County Responses to Gonzalez RFP
Attachments: Yuma Supplement Requests 15 & 16.pdf; Yuma Supplement Requests 14 & 15.pdf

Dear Nina:

Attached are supplemental responses to requests 14, 15, and 16, including the rejected voter registration forms for Mr. and Mrs. Gonzalez.

From: Nina Perales [mailto:nperales@MALDEF.org]
Sent: Friday, December 14, 2007 9:36 AM
To: Connor Colleen; kathleenr@wb-law.com
Cc: Diego Bernal
Subject: Yuma County Responses to Gonzalez RFP

Dear Kathleen and Colleen,

I write to follow up on the Yuma County Defendants' Responses to Gonzalez First Set of RFPs. In response to our RFPs 14, 15 and 16, Yuma County Defendants objected and produced no documents. These questions asked for all documents related to three of our individual plaintiffs who reside in Yuma County: Jesus Gonzalez, Maria Gonzalez and Georgia Morrison Flores. As you know, these plaintiffs either applied to register to vote or registered to vote in Yuma County. We have no doubt that Yuma County Defendants are in possession of documents responsive to the Requests for Production and believe that the request for the documents is not "overbroad, unduly burdensome, irrelevant, vague, and ambiguous."

Please let me know whether Yuma County Defendants will respond to questions 14, 15 and 16 in our First Set of RFPs. Thank you.

Nina Perales
Southwest Regional Counsel
MALDEF
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San Antonio, TX 78205
(210) 224-5476 ph
(210) 224-5382 fax

Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you .

6/30/2008