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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA

16	Maria M. Gonzalez, et al.,)	No. CV-06-1268-PHX-ROS(Lead)
17)	No. CV-06-1362-PCT-JAT(Cons.)
18	Plaintiffs,)	No. CV-06-1575-PHX-EHC(Cons.)
19)	
20	vs.)	GONZALEZ PLAINTIFFS'
21)	MOTION FOR LEAVE TO FILE
22	State of Arizona, et al,)	CORRECTED DOCUMENTS AND
23)	RESPONSE TO DEFENDANTS'
24	Defendants.)	MOTION TO STRIKE SUMMARY
25)	JUDGMENT EVIDENCE

(Assigned to the
Honorable Roslyn O. Silver)

24 NOW COME Gonzalez Plaintiffs and file this Motion for Leave to File
25 Corrected Documents and Response to Defendants' Motion to Strike Summary
26

1 Judgment Evidence. Gonzalez Plaintiffs move for leave to file corrected documents
2 submitted in response to Defendants' Motions for Summary Judgment and for the sole
3 purpose of correcting internal citations. Gonzalez Plaintiffs also seek leave to respond
4 to Defendants' improperly-filed Motion to Strike.

6 I. INTRODUCTION

7 State and County Defendants filed their motions for summary judgment on June
8 6, 2008. *See* Dkt. 799, 803. Pursuant to the Court's scheduling order, Gonzalez
9 Plaintiffs filed their Consolidated Response on June 13, 2008. *See* Dkt. 813-815.
10 Defendants filed their Reply in support of summary judgment and State Defendants
11 filed a Motion to Strike on June 20, 2008. *See* Dkt. 853, 856, 854.

13 This case is complex. The parties include State Defendants, election officials
14 from Arizona's 15 counties, community-based organizations and affected individuals.
15 The parties conducted extensive motion practice regarding discovery, took 29
16 depositions and exchanged tens of thousands of pages of exhibits. Important factual
17 issues developed in the case include: how Arizona has implemented Prop 200's
18 documentary proof of citizenship requirement through the statewide voter registration
19 computer system; how Arizona has implemented Prop 200's documentary proof of
20 citizenship requirements through its Division of Motor Vehicles; and how Arizona's 15
21 counties have implemented Prop 200's voting provisions at the Recorder's offices and
22 at the polls.
23

24 In their Consolidated Response, Gonzalez Plaintiffs responded to the 39
25 statements of facts presented collectively by Defendants and filed a "Consolidated
26

1 Response to State and Counties’ Statements of Fact, and Additional Facts” which
2 included 246 pages of factual statements. Dkt. 815. The Gonzalez Plaintiffs’ statement
3 of facts referred to over 500 exhibits. These statements of fact and exhibits provide a
4 more complete picture of the implementation of Prop 200 in Arizona and its effects on
5 voters and voter registration applicants and are necessary to evaluate whether Plaintiffs
6 have raised questions of fact necessary to defeat Defendants’ motions for summary
7 judgment.
8

9 Gonzalez Plaintiffs’ counsel strove to file a Response and supporting documents
10 without clerical errors in the seven days allotted to respond. *See* Dkt. 768 at 1 (5/19/08
11 Order). In an attempt to complete the documents by the deadline, counsel divided the
12 task of producing the documents between two firms. Only after receiving Defendants’
13 Reply did counsel for Gonzalez Plaintiffs discover that the numbering between their
14 Response brief and supporting documents was incorrect. *See* Dkt. 856 at n. 1 (State
15 Defendants’ Reply) and Ex. A (Declaration of Nina Perales). For this reason, Gonzalez
16 Plaintiffs seek leave to file corrected documents which make no substantive changes to
17 the Response but properly align the Response, Statement of Facts and exhibits.
18

19 Gonzalez Plaintiffs further request that the Court deny Defendants’ Motion to
20 Strike as improperly filed and without merit. Defendants seek to strike almost all of
21 Gonzalez Plaintiffs’ summary judgment evidence, claiming the evidence is
22 inadmissible. As demonstrated below, Defendants’ motion fails to address the common
23 grounds for admissibility that provide the basis for the admission of Gonzalez Plaintiffs’
24 summary judgment exhibits.
25
26

1 **II. ARGUMENT**

2 A. Gonzalez Plaintiffs Seek Leave to File Corrected Documents to Assist the
3 Court in its Summary Judgment Determination

4 Gonzalez Plaintiffs seek leave to file corrected documents in order to align the
5 citations in their Consolidated Response, Statement of Facts and exhibits filed June 13,
6 2008. Gonzalez Plaintiffs make this request upon learning that there were clerical errors
7 in their previous submission. *See* Ex. A Declaration of Nina Perales. Because only
8 eleven days have elapsed since the previous submission, Defendants are not prejudiced
9 by the filing of corrected documents that make no substantive changes.
10

11 Defendants argue in their Reply in Support of Summary Judgment that the
12 relevant facts are not in dispute and that Gonzalez Plaintiffs' Statement of Facts does
13 not contain important material. *See* Dkt. 856 at 1. Nevertheless, in order to assist the
14 Court and clarify the record, Gonzalez Plaintiffs seek leave to file their corrected
15 documents.

16 Courts routinely grant leave to correct documents that contain clerical errors.
17 *See, e.g., Centex Corp. v. U.S.*, 48 Fed.Cl. 625 (Fed.Cl. 2001) (granting, without further
18 discussion, motion for leave to file corrected document); *Peterson ex rel. Peterson v.*
19 *Baker*, 2006 WL 3086800 at *2 (N.D.Ga.2006) (granting leave to file corrected
20 summary judgment motion); *Molina v. Equistar Chemicals, LP*, 2006 WL 2706767 at
21 *2 (S.D. Tex.2006) (court struck Defendant's motion for a technical defect and
22 Defendant corrected the technical defect and filed a motion for leave to re-file its
23 summary judgment motion which was granted by the court); *Forest v. Barnes-Jewish*
24 *Hospital*, 2006 WL 2289800 at *1 (E.D. Mo. 2006) (granting motion for leave to file
25
26

1 corrected statement of material facts one month after plaintiff was notified of technical
2 problems in the statement of facts).

3 Gonzalez Plaintiffs' request is made in good faith. *See* Ex. A Declaration of
4 Nina Perales. Because the request is timely, will not prejudice Defendants and will
5 serve the interest of judicial efficiency by aligning citations in Gonzalez Plaintiffs'
6 Consolidated Response, Statement of Facts and exhibits, Gonzalez Plaintiffs urge the
7 Court to grant them leave to file the corrected documents.
8

9
10 **B. Defendants' Motion to Strike is Improperly Filed and Seeks to Exclude**
11 **Admissible Evidence**

12 The evidence submitted by Gonzalez Plaintiffs is largely based on public records
13 produced by Defendants. These government records carry a presumption of reliability
14 and are excepted under the hearsay rule. In addition, Plaintiffs' summary judgment
15 exhibits that are not public records have alternative bases for admissibility.

16
17 **1. Defendants' Motion is Improperly Filed**

18 Local Rule 7.2Civ (m) (2) provides that: "An objection to the admission of
19 evidence offered in support of or opposition to a motion must be presented in the
20 objecting party's responsive or reply memorandum . . . and not in a separate motion to
21 strike or other separate filing." Rules of Practice of the United States District Court for
22 the District of Arizona at 31 (2007-2008).

23 Pursuant to the local rule, Defendants were required to raise their objection to
24 Gonzalez Plaintiffs' summary judgment exhibits in their Reply in Support of the Motion
25 for Summary Judgment. Instead, Defendants filed on June 20 a separate Motion to
26

1 Strike Gonzalez Plaintiffs’ Factual Submission in Response to Motion for Summary
2 Judgment by Defendants State of Arizona and Arizona Secretary of State. *See* Dkt.
3 854.

4 **Plaintiffs’ Exhibits are Authentic**

5
6 Many of Plaintiffs’ exhibits are authenticated or self-authenticating and therefore
7 should not be struck from the record. FED.R. EVID. 901(a) provides that an exhibit is
8 authenticated when there is “evidence sufficient to support a finding that the matter in
9 question is what its proponent claims.” Contrary to Defendants’ claim, a declaration is
10 not the only means by which an exhibit may be authenticated. Instead, the documents
11 accompanying Plaintiffs’ response may be authenticated in any manner permitted by
12 Federal Rule of Evidence 901(b) or 902. *See Orr v. Bank of America*, 285 F.3d 764,
13 773-74 (9th Cir. 2002).

14
15 Federal Rule of Evidence 901(b) lists various means by which evidence may be
16 authenticated or identified, many of which apply here. Plaintiffs’ exhibits fall into the
17 following categories of authentication:

- 18
19 i. Most of Plaintiffs’ Summary Judgment Exhibits Were Produced
20 by Defendants in Discovery.

21 The bulk of Plaintiffs’ summary judgment exhibits were produced by Defendants
22 in the course of discovery in this case. As such, they are presumed authentic. *See Orr*
23 285 F.3d at 764, n.20 (citing *Maljack Prods., Inc. v. GoodTimes Home Video Corp.*, 81
24 F.3d 881, 889, n.12 (9th Cir.1996) for the proposition that “[d]ocuments produced by a
25 party in discovery [are] authentic when offered by the party-opponent”); 31 WRIGHT &
26

1 GOLD, Federal Practice and Procedure: Evidence § 7105 (“Authentication can also be
2 accomplished through judicial admissions such as stipulations, pleadings, and
3 production of items in response to subpoena or other discovery request.”); *see also*
4 *Health Care Serv. Corp. v. Mylan Labs., Inc.*, 2005 U.S. Dist. LEXIS 6802, at *4
5 (D.D.C. Apr. 22, 2005) (“[T]he courts have understandably concluded that, if a party
6 produces a document in response to a discovery demand or subpoena, it cannot then
7 argue that, despite its production, the document is not authentic.”); *United States v.*
8 *Lawrence*, 934 F.2d 868, 871 (7th Cir. 1991) (holding that “the very act of production”
9 was “implicit authentication”).
10

11 The Ninth Circuit has recognized that as a practical matter there are some
12 situations in which a party lacks the ability to certify government records when the
13 means to do so remains in the hands of an adverse party. *See, e.g., Vatyay v. Mukasey*,
14 508 F.3d 1179 (9th Cir. 2007) (permitting immigrant in asylum proceeding to
15 authenticate through his own testimony foreign government documents and explaining
16 that “a petitioner's failure to obtain government certification of a foreign public
17 document's authenticity is not necessarily a bar to admission of the document.”).
18 Admitting government records that have been produced by an adverse party in the
19 litigation is appropriate where, as here, the producing party refuses to acknowledge the
20 authenticity of the documents they produced.¹
21
22

23
24
25 ¹ Although Defendants now claim that the documents they produced to Gonzalez
26 Plaintiffs lack foundation and are inadmissible, Defendants make no specific allegation
that the documents are inauthentic or have been the subject of tampering.

1 Gonzalez Plaintiffs’ exhibits 1, 3-6, 8-11, 14-59, 61-69, 71-101, 105-106, 108,
2 110-111, 113, 115-120, 122-130, 132-149, 151-152, 154-155, 157-163, 165-173, 181,
3 191, 220, 237-241, 244-246, 253-258, 270-271, 277, 281, 294, 307-308, 310-311, 314-
4 315, 318, 322, 327, 337, 343-345, 347, 403, 416-417, 423-439, 442-444, 450, 452, 454,
5 462, 498 were produced in discovery by State Defendants, and therefore are authentic.
6 Similarly, Gonzalez Plaintiffs’ exhibits 12, 13, 104, 107, 112, 114, 121, 150, 156, 174-
7 179, 183-185, 187-189, 192-207, 209-216, 218-219, 221-226, 233, 242-243, 247, 248-
8 251, 259-269, 272-272, 274-276, 278-280, 282, 284, 286-288, 289-293, 295-302, 303-
9 306, 319-321, 323, 324-327, 328-329, 332, 334-336, 348-350, 351-399, 411, 413, 420,
10 440, 478, 496-497 were produced by County Defendants, and therefore are authentic.
11

12 ii. Gonzalez Plaintiffs’ Exhibits That are Public Records are
13 Admissible Under 901(b) (7)

14 Most of Gonzalez Plaintiffs’ summary judgment exhibits are also admissible
15 public records under FED. R. EVID. 901(b) (7) which provides for the admissibility of
16 “writing[s] authorized by law to be recorded or filed and in fact recorded or filed in a
17 public office, or a purported public record, report, statement, or data compilation, in any
18 form, [] from the public office where items of this nature are kept.”
19

20 The Ninth Circuit in *Gilbrook v. City of Westminster* explained:

21 A trial court may presume that public records are authentic and
22 trustworthy. *See Johnson v. City of Pleasanton*, 982 F.2d 350, 352
23 (9th Cir.1992). The burden of establishing otherwise falls on the
24 opponent of the evidence, who must come “forward with enough
negative factors to persuade a court that a report should not be
admitted.” *Id.*

25 *Gilbrook v. City of Westminster*, 177 F.3d 839, 858 (9th Cir. 1999).

1 Thus, because they are public records, the Court may presume that Gonzalez
2 Plaintiffs' exhibits 2, 346, 400-407, 411, 456-457 are authentic.

3 iii. Gonzalez Plaintiffs' Exhibits That are Comprised of Sworn
4 Statements or Deposition Excerpts are Admissible

5 Defendants do not challenge the authenticity of Gonzalez Plaintiffs' exhibits that
6 are sworn declarations executed by affected voters and voter registration applicants.

7 See Dkt. 854 at 3. For similar reasons, Gonzalez Plaintiffs' exhibits that are deposition
8 excerpts have a proper foundation. Depositions, or excerpts, that identify the deponent
9 and case and contain a reporter's certification that the deposition is a true record of the
10 testimony of the deponent, are authentic. See FED.R.EVID. 901(b); FED.R.CIV.P. 56(e)
11 & 30(f)(1); *Pavone v. Citicorp Credit Servs., Inc.*, 60 F.Supp.2d 1040, 1045
12 (S.D.Cal.1997). Gonzalez Plaintiffs' exhibits 586 - 609 are depositions or excerpts of
13 depositions that identify the names of the deponent and the action and includes the
14 reporter's certification that the deposition is a true record of the testimony of the
15 deponent. These exhibits are therefore authenticated.

16 iv. Additional Gonzalez Plaintiffs' Exhibits are Self-authenticating
17 Under FED.R. EVID. 902 (1), (2) and (5)

18 Gonzalez Plaintiffs' exhibits that are domestic public documents under state or
19 county seal do not require "[e]xtrinsic evidence of authenticity as a condition precedent
20 to admissibility." FED.R.EVID. 902. Gonzalez Plaintiffs' exhibits 58-59, 131, 148-149,
21 169-170, 171, 178, 189, 202, 206, 209, 214, 309, 423, 446-448, 451, 458, 493, 714 bear
22 either state or county seals and therefore are self authenticating pursuant to Fed. R.
23 Evid. 902(a).
24
25
26

1 Furthermore, FED.R.EVID. 902(5) provides, in relevant part: “Extrinsic evidence
2 of authenticity as a condition precedent to admissibility is not required with respect to ...
3 publications purporting to be issued by public authority.” *See, e.g., Maestas v. Segura,*
4 416 F.3d 1182, n.1 (10th Cir. 2005). *See also Association of Irrigated Residents v. Fred*
5 *Schakel Dairy*, Slip Copy, 2008 WL 850136 *4 (E.D.Cal. 2008) (finding that a
6 document on official letterhead and a subject line was self authenticating under
7 FED.R.EVID. 902(5)). Thus, Gonzalez Plaintiffs’ summary judgment exhibits that are
8 comprised of official documents issued by any of Defendants are admissible under
9 FED.R.EVID. 902(5). These include Gonzalez Plaintiffs’ exhibits 217, 330, 408-410,
10 412, 414-415, 418-422, 494-495.

11
12 In addition, a number of Gonzalez Plaintiffs’ summary judgment exhibits are
13 domestic government records from agencies other than Defendants’. These include
14 reports of the U.S. Census. Because these reports fall under the scope of FED.R.EVID.
15 902(5) they too are self-authenticating. *See Hispanic Broadcasting Corp. v.*
16 *Educational Media Foundation*, 2003 WL 22867633, at *5 (C.D.Cal. Oct. 3, 2003)
17 (“exhibits which consist of records from government websites, such as the FCC website,
18 are self-authenticating.”) (citations omitted); *United States v. Cecil*, 836 F.2d 1431,
19 1452 (4th Cir.1988) (official government statistics are self-authenticating).
20
21

22 Because Rule 902(5) provides that “publications purporting to be issued by
23 public authority” are self authenticating, documents retrieved from a website maintained
24 by a state or county government are self authenticating. *See Chapman v. San Francisco*
25 *Newspaper Agency*, No. C-01-02305 CRB, 2002 WL 31119944, at *2 (N.D.Cal. Sept.
26

1 20, 2002); *In re Polygraphex Systems, Inc.*, 275 B.R. 408, 418 n. 8 (Bankr. M.D.Fl.
2 2002); *U.S. E.E.O.C. v. E.I. DuPont de Nemours & Co.*, 2004 WL 2347559 (E.D.La.
3 Oct 18, 2004). These include Gonzalez Plaintiffs' exhibits 330, 408-410, 412, 414-415,
4 418-422, 494-495.

5
6 As explained recently by the district court in *Lorraine v. Market American Ins.*
7 *Co.*, 241 F.R.D. 534, 2007 WL 1300739, at *19 (D.Md. May 4, 2007):

8 Given the frequency with which official publications from government
9 agencies are relevant to litigation and the increasing tendency for such
10 agencies to have their own websites, Rule 902(5) provides a very useful
11 method of authenticating these publications. When combined with the
12 public records exception to the hearsay rule, Rule 803(8), these official
13 publications posted on government agency websites should be admitted
14 into evidence easily.

15 Finally, Gonzalez Plaintiffs have provided additional authentication of their
16 summary judgment exhibits through the attached declarations of expert witnesses,
17 declarations of counsel, and references to sworn deposition testimony that authenticates
18 Gonzalez Plaintiffs' exhibits. These address Gonzalez Plaintiffs' exhibits 555-568 and
19 612-626 (expert reports and CVs); 7 and 164; 102, 103, 186, 208, 234, 242, 309, 310,
20 318, 577 and 581. *See* Ex. A, Declaration of Nina Perales, and Ex. B, declaration of
21 John Amaya.²

22
23 **2. Gonzalez Plaintiffs' Exhibits are not Hearsay or are Excepted**
24 **Under the Hearsay Rule**

25 Defendants claim that Plaintiffs' exhibits 1-501 and 555-578 are inadmissible
26 hearsay without acknowledging, as an initial matter that the vast majority of these

² Gonzalez Plaintiffs' exhibit 501 is a newspapers article that is also self-
authenticating under Rule 902(6).

1 exhibits were produced by Defendants themselves during discovery. Because
2 Defendants have not provided any specific basis for their motion to strike any of these
3 exhibits, it would be appropriate for the Court to deny their motion on these grounds. In
4 the event, however, that the Court chooses to consider Defendants’ blanket assertion of
5 hearsay as it pertains to hundreds of documents, Defendants’ claims are inapplicable
6 here because the exhibits are either (1) nonhearsay; or (2) fall squarely into general
7 hearsay exceptions as established by the Federal Rules of Evidence.³

9 ‘Hearsay’ is a statement, other than one made by the declarant while testifying at
10 the trial or hearing, offered in evidence to prove the truth of the matter asserted.”

11 FED.R. EVID. 801, 802. Hearsay is inadmissible unless it is defined as non-hearsay
12 under Federal Rule of Evidence 801(d) or falls within a hearsay exception under Rules
13 803, 804 or 807. *See* FED.R.EVID. 802; 30B FEDERAL PRACTICE & PROCEDURE:
14 EVIDENCE § 7031 at 279.

15
16 i. Gonzalez Plaintiffs’ Exhibits that are Public Records are
17 Excepted Under the Hearsay Rule

18 FED.R.EVID. 803(8) excepts “[r]ecords, reports, statements, or data compilations,
19 in any form, of public offices or agencies, setting forth (A) the activities of the office or
20 agency” from the hearsay rule, “unless the sources of information or other

21
22 ³ For example, Gonzalez Plaintiffs’ exhibits 313-315 are not statements and thus
23 not hearsay. Similarly, In addition, Gonzalez Plaintiffs’ exhibits 104, 235, 500 and 611
24 are naturalization certificates that are excepted from the hearsay rule. *See* FED.R.EVID
25 803 (8) and (9). Finally, Gonzalez Plaintiffs’ exhibit 60 is not offered for the truth of
26 the matter asserted.

1 circumstances indicate lack of trustworthiness.” FED.R.EVID. 803(8). Public records
2 and government documents are generally considered “not to be subject to reasonable
3 dispute.” *Jackson v. City of Columbus*, 194 F.3d 737, 745 (6th Cir.1999).

4 This hearsay exception includes public records and government documents
5 available from reliable sources on the Internet. *See, e.g., Grimes v. Navigant*
6 *Consulting, Inc.*, 185 F.Supp.2d 906, 913 (N.D.Ill.2002) (taking judicial notice of stock
7 prices posted on a website); *Cali v. E. Coast Aviation Servs., Ltd.*, 178 F.Supp.2d 276,
8 287 (E.D.N.Y.2001) (taking judicial notice of documents from Pennsylvania state
9 agencies and Federal Aviation Administration). Gonzalez Plaintiffs’ summary
10 judgment exhibits that are public records excepted from the hearsay rule include 1-3, 5-
11 20, 22-38, 44-46, 48-59, 61-64, 65-68, 69-72, 73-79, 80, 84, 86, 88-89, 90-94, 95-999,
12 100-103, 104-108, 110, 112, 114 118-119, 122-24, 131, 135, 137-140, 143, 145-147,
13 148-152, 154, 156-161, 163-171, 173-179, 183-189, 192-204, 208-09, 211-14, 216-21,
14 223-226, 233, 237-240, 244-45, 258-59, 261-76, 284-286, 287, 291-93, 295, 297, 30-03,
15 307, 311, 321, 325, 335-36, 338-74, 377-80, 382-90, 392, 393, 395-96, 397-422, 428,
16 430, 435-53, 455-462, 468, 478, 492-93, 497, 500-01.

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18
19
20 ii. Gonzalez Plaintiffs’ Exhibits That are Expert Reports or Sworn
21 Statements are Admissible at Summary Judgment

22 Gonzalez Plaintiffs’ exhibits that are comprised of their expert reports are
23 admissible at summary judgment and are not excluded hearsay. *See Fonseca v. Sysco*
24 *Food Services of Arizona, Inc.* 374 F.3d 840 (9th Cir. 2004) (declarations that do contain
25 hearsay are admissible for summary judgment purposes because they “could be
26

1 presented in an admissible form at trial.”) (quoting *Fraser v. Goodale*, 342 F.3d 1032,
2 1037 (9th Cir. 2003), *cert. denied sub nom. U.S. Bancorp v. Fraser*, --- U.S. ----, 124
3 S.Ct. 1663, 158 L.Ed.2d 358 (2004)). *See also Hughes v. United States*, 953 F.2d 531,
4 543 (9th Cir.1992) (“Rule 56 permits the use of affidavits in evaluating a motion for
5 summary judgment. While the facts underlying the affidavit must be of a type that
6 would be admissible as evidence . . . the affidavit itself does not have to be in a form
7 that would be admissible at trial.”) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 324
8 (1986)).
9

10 For the same reason, Gonzalez Plaintiffs’ summary judgment exhibits that
11 are sworn statements of affected voters, voter registration applicants and Plaintiff
12 organizations are admissible at the summary judgment phase of the case. Gonzalez
13 Plaintiffs’ exhibits that are expert reports or sworn statements include exhibits 461, 527
14 -544, 548 – 549, 551-553, 554B, and 555-578.
15

16
17 iii. Gonzalez Plaintiffs’ Exhibits that Contain Admissions of a
18 Party-Opponent are not Hearsay

18 Federal Rule of Evidence 801(d)(2)(D) provides that a statement is not hearsay if
19 it is offered against a party and is “a statement by the party's agent or servant concerning
20 a matter within the scope of the agency or employment, made during the existence of
21 the relationship.” Admissible evidence in this category includes statements of
22 Defendants as well as designated representatives and employees of Defendants’
23 agencies. *See Sea-Land Service, Inc. v. Lozen Intern., LLC.*, 285 F.3d 808 (9th Cir.
24 2002) (admitting, as non-hearsay, email written by company manager as well as email
25
26

1 by employee forwarding the manager's message to other employees). Gonzalez
2 Plaintiffs' exhibits that include statements of party opponents, include 1, 4, 6-7, 9-10,
3 14-22, 24, 32, 34, 36-56, 58-59, 61-64, 71-74, 75-79, 81-82, 87, 89, 91, 100, 111-117,
4 121-130, 132-136, 140, 142, 144-147, 150, 155-156, 160, 162-164, 167-169, 172, 174-
5 176, 178-179, 181, 183-186, 188, 189, 191, 201-207, 209-210, 213-215, 218-219, 222-
6 224, 226, 231, 233-234, 238, 241-242, 244-251, 252-257, 260-262, 266, 276-283, 284-
7 285, 287-294, 296, 298-301, 303-310, 318-323, 325-329, 332-335, 349-379, 381-389,
8 393-396, 398-99, 416, 423, 431-434, 451, 454, 496- 498,
9

10 **III. CONCLUSION**

11
12 For the foregoing reasons, Gonzalez Plaintiffs respectfully request the Court
13 grant them leave to file their corrected documents in response to Defendants' Motions
14 for Summary Judgment and deny Defendants' Motion to Strike as improperly filed and
15 without merit.

16
17 DATED this 24 day of June, 2008.

Respectfully submitted,

18 By: s/Nina Perales
19 Nina Perales

20 Counsel for Plaintiffs
21 Gonzalez, et al.

22 CERTIFICATE OF SERVICE

23 I hereby certify that on the 24th day of June, 2008, I caused the foregoing
24 document to be electronically transmitted to the Clerk's Office using the CM/ECF
25 System for filing and transmittal of a Notice of Electronic Filing to CM/ECF registrants.

26 COPY of the foregoing filed electronically

1 this 24th day of June, 2008.

2 COPY of the foregoing mailed with Notice
3 of Electronic Filing this 24th day of June, 2008 to:

4 The Honorable Roslyn O. Silver
5 United States District Court
6 Sandra Day O'Connor U.S. Courthouse, Suite 624
7 401 West Washington Street, SPC 59
8 Phoenix, AZ 85003-2158

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s/Nina Perales
Nina Perales