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11 **IN THE UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 MARIA M. GONZALEZ, et al.,
14
Plaintiffs,

15 v.

16 STATE OF ARIZONA, et al.

17 Defendants.

No. CV06-01268 PHX ROS
No. CV06-1362 PCT ROS (Cons)
No. CV06-1575 PCT ROS (Cons)

DEFENDANTS' RULE 26(a)(3)
OBJECTIONS TO EXHIBITS AND
DEPOSITIONS

(Assigned to the Honorable
Roslyn O. Silver)

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1 Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendants
2 State of Arizona and Arizona Secretary of State Janice Brewer submit objections to
3 Plaintiffs' proposed exhibits and designated depositions contained in their final pretrial
4 disclosures. (Dkt. 786, 787).

5 With regard to the Gonzalez plaintiffs' designation of depositions, State
6 Defendants object to the use of the deposition testimony of Dr. F. Arturo Rosales on the
7 grounds that such use is not allowed under Rule 32(a) of the Federal Rules of Civil
8 Procedure. With regard to the Gonzalez plaintiffs and the ITCA plaintiffs' proposed use
9 of deposition testimony of Michael Quinn and Gerri Ratliff, State Defendants object in
10 the event plaintiffs are unable to make the required showing under Rule 32(a).¹

11 With regard to State Defendants' objections to proposed trial exhibits, please see
12 State Defendants' Objections to ITCA Plaintiffs' Trial Exhibits, attached hereto as
13 Exhibit A, and State Defendants' Objections to Gonzalez Plaintiffs' Trial Exhibits,
14 attached hereto as Exhibit B.²

15 RESPECTFULLY SUBMITTED this 18th day of June, 2008.

16 TERRY GODDARD
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¹ Defendants note that they have filed a Motion in Limine Regarding Untimely Disclosures, which challenges the use of this deposition testimony on the grounds that the testimony was taken after the close of fact discovery, and that they do not intend to waive any objection to the untimely disclosure of this testimony. (Dkt. 819)

² Defendants note that since the filing of their final pretrial disclosures, the Gonzalez plaintiffs have sent Defendants additional proposed exhibits, to which Defendants reserve the right to object.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 18th day of June, 2008, I electronically transmitted
3 the attached document to the Clerk’s Office using the ECF System for filing, and
4 transmittal of a Notice of Electronic Filing to the following ECF registrants:
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6 **COPY** also served the following business day, by U.S. Mail with Notice of
7 Electronic Filing, on the following, who may not be a registered participant of the ECF
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