

1 Judith M. Dworkin (No. 010849)
Marvin S. Cohen (No. 00923)
2 Patricia Ferguson-Bohnee (No. 020996)
Javier G. Ramos (No. 017442)
3 SACKS TIERNEY P.A. (No. 00182000)
4250 N. Drinkwater Blvd., Fourth Floor
4 Scottsdale, AZ 85251-3693
Telephone: (480) 425-2600
5 Marvin.Cohen@sackstierney.com
Judith.Dworkin@sackstierney.com
6 Patty.Ferguson@sackstierney.com
Javier.Ramos@sackstierney.com

7 Louis Denetsosie
8 The Navajo Nation, Dept. of Justice
P.O. Drawer 2010
9 Window Rock, Arizona 86515
Telephone: (928) 871-6275
10 Facsimile: (928) 871-6177
louisdenetsosie@navajo.org

11 Attorneys for Plaintiffs Navajo Nation and
12 Agnes Laughter

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 MARIA M. GONZALEZ, et al.,

16 Plaintiffs,

17 v.

18 STATE OF ARIZONA; et al.,

19 Defendants.

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

**JOINT STIPULATION TO DISMISS
PENDING APPROVAL OF
CHANGES TO PROCEDURES**

(Assigned to the Honorable Roslyn O.
Silver)

(Consolidated)

24
25 The Navajo Nation and Agnes Laughter ("Navajo Plaintiffs"), Arizona Secretary of
26 State and Janice Brewer ("State Defendants") and Patty Hansen, the Election Administrator
27 for Coconino County, Arizona; Penny Pew, the Elections Director for Apache County,
28 Arizona; Lisa McKee, the Elections Director for Navajo County, Arizona; Candace Owens,

1 the Coconino County Recorder; LeNora Johnson, the Apache County Recorder; and
2 Laurette Justman, the Navajo County Recorder (the "County Defendants"), (collectively,
3 the "Stipulating Parties"), by and through undersigned counsel, hereby stipulate to the
4 following:

5 1. The Navajo Plaintiffs filed a complaint on June 20, 2006, Case No. CV 06-
6 1575, seeking mandamus, declaratory judgment, and injunctive relief to prevent the
7 enforcement of the proof of identification requirement for voting at the polls enacted
8 pursuant to Proposition 200, A.R.S. § 16-579 and the "Procedure for Proof of Identification
9 at the Polls" ("Procedures") prescribed by the State Defendants and the County Defendants.

10 2. The Arizona Secretary of State believes revision to the Procedures, as
11 described herein, would benefit Arizona's Native American electors, to whom the
12 procedures described herein apply.

13 3. Adoption by the State Defendant of the following revised Procedures
14 ("Revised Procedures"):

15 An elector who identifies himself or herself as a member of a federally
16 recognized Native American tribe and who does not provide one form of
17 identification that bears the name, address, and photograph of the elector or
18 two different forms of identification that bear the name and address of the
19 elector shall be issued a regular provisional ballot upon presenting one form
20 of tribal identification that bears the name of the elector. Acceptable forms of
21 tribal identification include (but are not limited to): a tribal identification or
22 enrollment card issued under the authority of a federally recognized Indian
23 tribe, nation, community, or band ("tribe"), a tribal subdivision or the Bureau
24 of Indian Affairs; or a Certificate of Indian Blood issued to a tribal member
25 under the authority of a tribe or by the Bureau of Indian Affairs; or a voter
26 registration card for tribal elections issued under the authority of a tribe; or a
27 home site assignment lease, permit or allotment issued under the authority of
28 a tribe, tribal subdivision, or by the Bureau of Indian Affairs; or a grazing
permit or allotment issued to a tribal member under the authority of a tribe,
tribal subdivision, or by the Bureau of Indian Affairs.

4. Prompt initiation by the Secretary of State of the actions required for
preclearance by the United States Department of Justice of the Revised Procedures set forth
in Paragraph 2.

1 5. In anticipation of preclearance of the Revised Procedures by the Department
2 of Justice, the modification, as follows, of certain dates in the Final Amended Scheduling
3 Order dated March 27, 2008, in order to avoid additional litigation expense:

4 a. Paragraph E, rebuttal testimony of Navajo Plaintiffs' expert extended
5 from March 21, 2008 to May 23, 2008.

6 b. Paragraph F, completion of discovery extended from March 28, 2008
7 to June 4, 2008.

8 6. Upon preclearance of the Revised Procedures by the United States
9 Department of Justice, the dismissal of all claims in Case No. CV 06-1575-PHX-ROS
10 without prejudice, subject to the provisions of Paragraph 7 below, and in conformity with
11 Rule 41(a)(2).

12 7. The entry by the Court of the accompanying form of Order dismissing all
13 claims in Case No. CV 06-1575-PHX-ROS upon notification to the Court that the United
14 States Department of Justice has precleared the Revised Procedures.

15 8. So long as the Revised Procedures remain in effect and are effectively
16 implemented, the Navajo Plaintiffs will not bring any action against any of the Defendant
17 parties that challenges Proposition 200, A.R.S. § 16-579, or the Revised Procedures on
18 their face or as applied and any action brought by the Navajo Plaintiffs in violation of this
19 stipulation shall be subject to dismissal.

20 9. In the event that the Department of Justice has not precleared the Revised
21 Procedures as of May 19, 2008, this Stipulation shall become null and void unless extended
22 in writing by the parties.

23 10. The parties agree that upon dismissal, each party shall bear its own attorney
24 fees and costs incurred in this action.

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DATED this 18th day of April, 2008.

SACKS TIERNEY P.A.

By: s/ Judith M. Dworkin
Judith M. Dworkin
Marvin S. Cohen
Patricia Ferguson-Bohnee

Attorneys for Plaintiffs Navajo Nation and
Agnes Laughter

DATED this 18th day of April, 2008.

STATE OF ARIZONA

By: s/Mary O'Grady
Mary O'Grady
Barbara A. Bailey
Carrie J. Brennan

Attorneys for Defendant Secretary of State

DATED this 18th day of April, 2008.

NAVAJO COUNTY

By: s/ Lance B. Payette
Melvin R. Bowers, Jr.
Lance B. Payette

Attorneys for Defendant Lisa McKee, Navajo
County Elections Director and Laurette
Justman, Navajo County Recorder

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DATED this 18th day of April, 2008.

COCONINO COUNTY

By: s/Jean E. Wilcox
Jean E. Wilcox

Attorneys for Defendant Patty Hansen,
Coconino County Elections Administrator
and Candace Owens, Coconino County
Recorder

DATED this 18th day of April , 2008.

APACHE COUNTY

By: s/Criss E. Candelaria
Criss E. Candelaria
Bradley Carlyon

Attorneys for Defendant Penny Pew,
Apache County Elections Director and
LeNora Johnson, Apache County Recorder

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2008, a complete, duplicate copy of this document was forwarded directly to Judge Roslyn O. Silver by First Class Mail, at the following addresses:

Hon. Roslyn O. Silver
United States District Court, Suite 624
401 W. Washington Street, SPC 59
Phoenix, Arizona 85003

s/ Judith M. Dworkin

I hereby certify that on April 18, 2008, I electronically transmitted the attached document 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, if any:

Daniel R. Ortega, Jr.
Roush McCracken Guerrero Miller & Ortega
650 N. 3rd Avenue
Phoenix, Arizona 85003
Email: danny@rmgmoinjurylaw.com

Nina Perales
Mexican American Legal Defense and Education Fund
110 Broadway, Ste. 300
San Antonio, Texas 78205
Email: nperales@maldef.org

Attorneys for Plaintiffs

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

David J. Bodney
Karen J. Hartman-Tellez
Steptoe & Johnson LLP
Collier Center
201 East Washington Street, Suite 1600
Phoenix, Arizona 85004-2382
Email: dbodney@steptoe.com
Email: khartman@steptoe.com

1 LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
2 Jon Greenbaum
Benjamin Blustein
3 1401 New York Avenue, Suite 400
Washington, D.C. 20005
4 Email: jgreenbaum@lawyerscommittee.org
ADMITTED PRO HAC VICE

5
6 ACLU Southern Regional Office
Neil Bradley
2600 Marquis One Tower
7 245 Peachtree Center Avenue
Atlanta, GA 30303
8 Email: nbradley@aclu.org
ADMITTED PRO HAC VICE

9
10 PEOPLE FOR THE AMERICAN WAY
FOUNDATION
Elliot M. Minberg
11 2000 M Street, NW, Suite 400
Washington, D.C. 20036
12 Email: eminberg@pfaw.org
ADMITTED PRO HAC VICE

13
14 AARP FOUNDATION LITIGATION
Daniel B. Kohrman
601 E Street, N.W., Suite A4-240
15 Washington, D.C. 20049
16 Email: dkohrman@aarp.org
ADMITTED PRO HAC VICE

17 THE INTER TRIBAL COUNCIL OF
ARIZONA, INC.
18 Joe P. Sparks
Susan B. Montgomery
19 Sparks, Tehan & Ryley P.C.
7503 First Street
20 Scottsdale, AZ 85251

21 David J. Becker
People for the American Way Foundation
22 2000 M Street, NW, Suite 400
Washington, D.C. 20036
23 Email: dbecker@pfaw.org
PRO HAC VICE APPLICATION PENDING

24 Attorneys for Plaintiffs The Inter Tribal Council of Arizona, Inc., et al.
25
26
27
28

- 1 Mary O'Grady
Carrie J. Brennan
2 Assistant Attorney General
Office of the Attorney General
3 1275 W. Washington
Phoenix, Arizona 85007
4 Email: mary.ogrady@azag.gov
Email: Carrie.Brennan@azag.gov
5
6 Barbara A. Bailey
Assistant Attorney General
Office of the Attorney General
7 1275 West Washington
Phoenix, Arizona 85007
8 Email: Barbara.Bailey@azag.gov
9 Attorneys for Defendants State of Arizona, and
Secretary of State Jan Brewer
10
11 M. Colleen Connor
MCAO Division of County Counsel
222 N. Central Avenue, Ste. 1100
12 Phoenix, Arizona 85003
Email: connorc@mcao.maricopa.gov
13
14 Dennis I. Wilenchik
Kathleen Rapp
Wilenchik and Bartness, P.C.
15 The Wilenchik & Bartness Building
2810 North Third Street
16 Phoenix, Arizona 85004
Email: diw@wb-law.com
17 Email: kathleenr@wb-law.com
18 Attorneys for County Defendants
19
20 Criss E. Candelaria
Bradley Carlyon
Apache County Attorney's Office
P.O. Box 637
21 St. Johns, Arizona 85936
Email: bcarlyon@apachelaw.net
22 Attorneys for Apache County
23
24 Melvin R. Bowers, Jr.
Lance B. Payette
Navajo County Attorney's Office
P.O. Box 668
25 Holbrook, Arizona 86025
Email: lance.payette@co.navajo.az.us
26 Attorneys for Navajo County
27
28

1 Barry Klopfer
2 Navajo County Department of Justice
3 P.O. Box 2010
4 Window Rock, Arizona 86515
5 Telephone: 928-871-6275
6 Fax: (928) 871-7570
7 Email: barrydoj@hotmail.com
8 Attorneys for Navajo County

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Jean E. Wilcox
Coconino County Attorney's Office
110 East Cherry Ave.
Flagstaff, AZ 86001
Email: jwilcox@coconino.az.gov
Attorney for Coconino County

s/ Judith M. Dworkin