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15 Attorneys for Gonzalez Plaintiffs

17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE DISTRICT OF ARIZONA

19	Maria M. Gonzalez, et al.,)	No. CV-06-1268-PHX-ROS(Lead)
20)	No. CV-06-1362-PCT-JAT(Cons.)
	Plaintiffs,)	No. CV-06-1575-PHX-EHC(Cons.)
21)	
	vs.)	FED. R. CIV. 56(F) DECLARATION
22)	OF NINA PERALES
	State of Arizona, et al,)	
23)	
	Defendants.)	(Assigned to the
24)	Honorable Roslyn O. Silver)
25)	
26)	
27)	
28)	

1 I, Nina Perales, am over the age of 18 and am competent to make the following
2 declaration:

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4 1. I am the lead attorney representing Maria M. Gonzalez, Jesus M. Gonzalez,
5 Bernie Abeytia, Luciano Valencia, Debbie Lopez, Southwest Voter Registration Education
6 Project, Valle Del Sol, Friendly House, Chicanos Por La Causa, Inc., and Arizona Hispanic
7 Community Forum (collectively, the "Gonzalez Plaintiffs"). I am a member in good standing
8 of the State Bar of Texas, and am admitted to practice in the United States Federal Courts for
9 the Western, Southern, and Eastern Districts of Texas and was admitted pro hac vice to practice
10 in the District Court of Arizona on May 15, 2006. Pursuant to Fed. R. Civ. 56(e) and (f), I
11 make this Declaration in Support of the Gonzalez Plaintiffs' Response to Defendants' Partial
12 Summary Judgment Motion. I have personal knowledge of the facts stated herein, and, if
13 called upon, could and would testify competently thereto.
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16 2. Because the Court has yet to enter a scheduling order governing discovery
17 in the case, and Defendants have not yet responded to pending discovery requests from
18 consolidated Plaintiffs, summary judgment is not appropriate at this time. Defendants
19 have not yet provided Plaintiffs with information showing, among other things: the
20 number of NVRA applications accepted by Defendants before and after implementation
21 of Proposition 200; the number of voter registration applications gathered and submitted
22 by community-based voter registration efforts before and after the implementation of
23 Proposition 200; and the efforts made by county recorders to verify documentation of
24 U.S. citizenship.
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1 3. In addition, Defendants have not provided Plaintiffs with unredacted
2 copies of rejected voter registration forms despite negotiating and filing a Stipulation of
3 Confidentiality (“Stipulation”) in the Summer of 2006. On July 31, 2006, Defendants
4 filed a Stipulation [Dkt. No.134]. The following day, August 1, 2006, counsel for
5 Gonzalez Plaintiffs notified the Defendants regarding the deficiencies in the filed
6 Stipulation. On August 3, 2006, Defendants filed a Motion to Strike and Replace [Dkt.
7 No. 140] attaching the Stipulation negotiated and agreed to by the parties. No orders
8 have been entered regarding this Motion.
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12 4. Defendants have refused to disclose rejected voter registration forms
13 without a Court order. Defendants have stated that A.R.S. § 16-168(E) requires
14 Defendants to keep the information contained in the rejected applications confidential
15 because this lawsuit is not included as a statutorily proscribed use of information in a
16 voter registration form.
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20 5. Once Defendants provide complete responses to consolidated Plaintiffs’
21 discovery requests, Gonzalez Plaintiffs will have the proof to carry their burden on their
22 claims regarding the implementation of Proposition 200.
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25 6. There is no other way for Plaintiff to obtain this information. Defendants
26 have exclusive control over the information described in paragraphs 3 and 4. Without
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1 that information, Gonzalez Plaintiffs are unable to present facts essential to adequately
2 respond to Defendants' Summary Judgment Motion.

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4 I declare under penalty of perjury that the foregoing is true and correct.

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6 Date: July 12, 2007

Nina Perales

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