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

14 MARIA M. GONZALEZ, et al.,

15 Plaintiffs,

16 v.

17 STATE OF ARIZONA, et al.

18 Defendants.

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

**DEFENDANTS’ MOTION FOR  
EXTENSION OF THE DEADLINE  
TO FILE RESPONSES TO  
PLAINTIFFS’ ATTORNEY FEE  
APPLICATIONS**

(Assigned to the Honorable  
Roslyn O. Silver)

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22 Defendants State of Arizona, Arizona Secretary of State Ken Bennett, and the  
23 Fifteen Arizona Counties, through undersigned counsel, move to extend the deadline for  
24 the Defendants to submit their responsive memoranda to Plaintiffs’ Motions for  
25 Attorneys’ Fees and respective supporting memoranda. Currently, Defendants’ deadline  
26 to respond to the Gonzalez Plaintiffs and ITCA Plaintiffs separate motions is November  
27 27, 2013. At the same time, the Gonzalez Plaintiffs and ITCA Plaintiffs have filed  
28 separate fee requests in the Ninth Circuit Court of Appeals and Defendants’ respective

1 responses are due on December 5, 2013. Defendants, through this Motion, request a  
2 single deadline of March 4, 2014 for the responses to all four fee requests in both courts.  
3 Defendants will be simultaneously filing a similar motion in the Ninth Circuit to request  
4 the same deadline.

5 **A. Plaintiffs' Position.**

6 Defendants' attorneys consulted with Plaintiffs' attorneys to determine whether  
7 they would object to the requested extension. The ITCA Plaintiffs had no objection.  
8 The Gonzalez Plaintiffs would stipulate to an extension of forty-five days, but not the  
9 full amount of time Defendants requested, but offered no reason as to why they would  
10 not agree.

11 **B. Good Cause Exists for the Extension.**

12 This request is not made for purposes of delay and good cause exists to grant the  
13 extension. First, Plaintiffs filed their supporting memoranda including hundreds of  
14 pages of affidavits and supporting timesheets and billing statements on November 12,  
15 2013. These supporting documents cover periods of time over the seven years that this  
16 case has been pending. Review of these detailed records is a time-consuming process  
17 that cannot be completed by November 27, 2013.

18 Second, unlike the primary counsel for the Plaintiffs, the defense counsel,  
19 particularly for the State of Arizona and Secretary Bennett, are relatively new to the  
20 case. Undersigned counsel was briefly involved in the preparation of the merits brief  
21 and the preparation for oral argument at the U.S. Supreme Court, but is not fully  
22 cognizant of the procedural and substantive history of the previous six-plus years of this  
23 case. In order to fully analyze the time claimed by the Plaintiffs' attorneys, it is vital for  
24 the Defendants' attorneys to understand the legal arguments and full procedural history  
25 of this case. Unfortunately, none of the counsel for the State Defendants who  
26 participated in the district court proceedings remain employed at the Arizona Attorney  
27 General's Office. While Defendants' attorneys appreciate that Plaintiffs assert that they  
28 have submitted reasonable billing rates and time entries, Defendants should be entitled

1 to a reasonable amount of time to review those records in the context of the history of  
2 the litigation as a whole in order to make appropriate objections, if any, to the requests  
3 for fees and expenses.

4 Third, unlike the Defendants, Plaintiffs had months to prepare their respective  
5 motions and supporting memoranda. In fact, the ITCA Plaintiffs began researching  
6 attorneys' fees immediately after the Supreme Court issued its opinion. (*See* Dkt. 1128-  
7 2 at 34 (time entries for Alan Martinson for 6/18/13 through 6/24/13.) Plaintiffs had  
8 from June 17, 2013 (the date the Opinion was issued) until November 12, 2013 to file  
9 their supporting documentation for their attorneys' fees request. In contrast to that  
10 nearly five months of time, Defendants are seeking just over three months in order to  
11 fully analyze and respond to Plaintiffs' claims.

12 Fourth, the parties have all discussed a willingness to negotiate a settlement on  
13 the issue of attorneys' fees and expenses. Until now, Defendants have been unable to  
14 participate in meaningful settlement discussion because they had nothing but the bare  
15 amounts that Plaintiffs sought. Now, they have the opportunity to analyze the  
16 reasonableness of Plaintiffs' claims and believe that they can begin settlement  
17 discussions soon. As governmental entities, however, settlement offers cannot be made  
18 until the attorneys obtain authorization from the Arizona State Legislature and the  
19 counties' Boards of Supervisors. With respect to the State, the Legislature is not  
20 currently in session and will not be in session until early January 2014. While the State  
21 Defendants will make every effort possible to seek settlement authority from the Joint  
22 Legislative Budget Committee before the Legislature is back in session, they cannot  
23 make any promises to that effect.

24 **C. Conclusion.**

25 Defendants seek the extension until March 4, 2014 in good faith and based on an  
26 objective review of the schedules and defense counsels' abilities to accommodate  
27 calendars and staffing concerns. Defendants did not want to ask for multiple extensions  
28 of time, but believe, in good faith, that this case can be resolved without further

1 involvement of the Court if Defendants are granted an extension until March 4, 2014 in  
2 which to file their responsive memoranda. A proposed form of order accompanies this  
3 Motion.

4 DATED this 25th day of November, 2013.

5 THOMAS C. HORNE  
6 Arizona Attorney General

7  
8 s/ Michele L. Forney  
9 Michele L. Forney  
10 Assistant Attorney General  
11 Attorney for the State of Arizona and the  
12 Arizona Secretary of State

13 BILL MONTGOMERY

14 s/ Michele L. Forney (w/ permission)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of November, 2013, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF Registrants in the above case.

/s/ Maureen Riordan

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