

Nos. 08-17094, 08-17115

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MARIA M. GONZALEZ, et al.,
Plaintiffs-Appellants,
v.
STATE OF ARIZONA; et al.,
Defendants-Appellees,

and
YES ON PROPOSITION 200,
Defendant-Intervenor-Appellant.

MARIA M. GONZALEZ; et al.,
Plaintiffs-Appellants,

and
THE INTER TRIBAL COUNCIL OF
ARIZONA, INC.; et al.
Plaintiffs-Appellants,
v.
STATE OF ARIZONA; et al.,
Defendant-Appellees.

and
YES ON PROPOSIITON 200,
Defendant-Intervenor,

On appeal from the United States
District Court for the District of
Arizona

No. CV-06-01268 PHX ROS
No. CV-06-01362-PHX-ROS

UNOPPOSED JOINDER TO THE
STATE'S MOTION FOR
EXTENSION OF TIME TO FILE
ANSWERING BRIEF BY
DEFENDANTS-APPELLEES
Maricopa County Recorder Helen
Purcell and Maricopa County
Elections Director Karen Osborne;
Apache County Recorder LeNora
Johnson and Apache County
Elections Director Penny L. Pew;
Cochise County Recorder Christine
Rhodes and Cochise County
Elections Director Thomas
Schelling; Gila County Recorder
Linda Haught Ortega and Gila
County Elections Director Dixie
Mundy; Graham County Recorder
Wendy John and Graham County
Elections Director Judy Dickerson;
Greenlee County Recorder Berta
Manuz and Greenlee County
Elections Director Yvonne Pearson;
La Paz County Recorder Shelly
Baker and La Paz County Elections
Director Donna Hale; Mohave
County Recorder Joan McCall and
Mohave County Elections Director

Allen Tempert; Pima County Recorder F. Ann Rodriguez and Pima County Elections Director Brad R. Nelson; Santa Cruz County Recorder Suzie Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai County Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A. Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County Elections Director Patti Madrill

Pursuant to Ninth Cir. R 31-2.2(b), Defendants-Appellees Maricopa County Recorder Helen Purcell and Maricopa County Elections Director Karen Osborne; Apache County Recorder LeNora Johnson and Apache County Elections Director Penny L. Pew; Cochise County Recorder Christine Rhodes and Cochise County Elections Director Thomas Schelling; Gila County Recorder Linda Haught Ortega and Gila County Elections Director Dixie Mundy; Graham County Recorder Wendy John and Graham County Elections Director Judy Dickerson; Greenlee County Recorder Berta Manuz and Greenlee County Elections Director Yvonne Pearson; La Paz County Recorder Shelly Baker and La Paz County Elections Director Donna Hale; Mohave County Recorder Joan McCall and Mohave County Elections Director Allen Tempert; Pima County Recorder F. Ann Rodriguez and Pima County Elections Director Brad R. Nelson; Santa Cruz County Recorder Suzie Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai

County Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A. Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County Elections Director Patti Madrill (“County Defendants”) respectfully join in the State of Arizona and the Secretary of State of Arizona’s Motion for an extension of time within which to file their answering brief in this appeal (no. 08-17094). Under the current briefing schedule, County Defendants’ answering brief is due to be filed by March 2, 2009. County Defendants seek a three-week extension to file their brief until March 23, 2009.

In the interest of judicial economy the County and State Defendants have made a concerted effort to coordinate their briefing and not to duplicate issues or analysis in their court filings. The County Defendants have made a practice of working with the State Defendants by first reviewing the State Defendants’ brief and then focusing on unique County perspectives and eliminating duplication in the County Defendants’ brief. In an attempt to continue this coordinated briefing, it makes sense for the deadlines for both State and County Defendants to remain connected. This will eliminate the need for the County to brief the Court on all issues which would result in enormous duplication of efforts and a waste of judicial time. Counsel believes that the savings to judicial economy that will result from the parties being able to continue to coordinate their briefing makes it necessary for the County Defendants to join in the State’s motion for an extension

of time. Despite the diligence of all parties, due to the specific challenges enumerated by the State Defendants in their Motion for an Extension of Time, the County and State Defendants have not been able to coordinate their briefing efforts thus far. If the extension is permitted, the County Defendants will file their brief within the time requested. The parties have become accustomed to the coordination between the State and County Defendants throughout this litigation and no party objects to the County Defendants joining the State's Motion for a three-week extension.

Accordingly, the County Defendants respectfully join in the State Defendants' Motion for a three-week extension, until March 23, 2009, in which to file their answering brief.

DATED this 23rd day of February, 2009.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: s/ Dennis I. Wilenchik

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Phoenix, Arizona 85004-2206
Attorneys for County Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2009, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellant Cm/ECF system.

I further certify that some of the participants in the case are not registered CM/ECRF users. I have mailed a copy of the foregoing document by First-Class Mail, postage prepaid, to the following participants on the 23rd day of February, 2009, to:

Andrew P. Thomas
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M. Colleen Conner
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P.O. Box 887
Florence, Arizona 85232

Kathleen E. Rapp declares:

1. I am one of the attorneys representing Defendants-Appellees Maricopa County Recorder Helen Purcell and Maricopa County Elections Director Karen Osborne; Apache County Recorder LeNora Johnson and Apache County Elections Director Penny L. Pew; Cochise County Recorder Christine Rhodes and Cochise County Elections Director Thomas Schelling; Gila County Recorder Linda Haight Ortega and Gila County Elections Director Dixie Mundy; Graham County Recorder Wendy John and Graham County Elections Director Judy Dickerson; Greenlee County Recorder Berta Manuz and Greenlee County Elections Director Yvonne Pearson; La Paz County Recorder Shelly Baker and La Paz County Elections Director Donna Hale; Mohave County Recorder Joan McCall and Mohave County Elections Director Allen Tempert; Pima County Recorder F. Ann Rodriguez and Pima County Elections Director Brad R. Nelson; Santa Cruz County Recorder Suzie Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai County Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A. Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County Elections Director Patti Madrill (“County Defendants”) in this appeal. Pursuant to Ninth Circuit Rule 31-2.2(b), I make this declaration in support of the County Defendants’ joinder to the State Defendants’ Motion for an Extension of time within which to file their answering brief.

2. Under the current briefing schedule, County Defendants' answering brief is due on March 2, 2009. Under a previous briefing schedule, that answering brief had been due by February 2, 2009. Appellants sought and received an eighteen-day extension in which to file their brief. This extension pushed back the deadline for County Defendants' opening brief. Appellants' opening brief was ultimately filed on February 2, 2009.
3. County Defendants join in the State Defendants request for a twenty-one day extension, until March 23, 2009, within which to file their answering brief. This request is the first such request from County Defendants.
4. During the course of this complex litigation, the County Defendants have sought to preserve judicial economy by coordinating their briefing efforts with that of State Defendants. County Defendants have reviewed State Defendants' briefs and eliminated duplication from the County Defendants' briefs, focusing instead on unique County perspectives and information. This prevents the Court and other parties from reviewing substantially similar briefing material from both sets of Defendants, saving time and resources.
5. Despite the diligence of all parties, but due to the specific challenges enumerated in the State's Motion for an Extension of Time, County and State Defendants have not yet been able to coordinate their briefing efforts for this answering brief.

6. Counsel believes that the savings of time and resources to both the Court and the parties that will result from the State and County Defendants being able to continue to coordinate their briefing makes it necessary for the County Defendants to join in the State's motion for an extension of time.
7. If the extension is granted, County Defendants will file their brief within the time requested.
8. No party to this appeal objects to the requested extension.

DATED this 23rd day of February, 2009.

/s Kathleen E. Rapp
Kathleen E. Rapp

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2009, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellant Cm/ECF system.

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