

1 THOMAS C. HORNE
2 Attorney General
3 Firm Bar No. 14000

4 Michele L. Forney (No. 019775)
5 Assistant Attorney General
6 1275 West Washington Street
7 Phoenix, Arizona 85007-2926
8 Tel: (602) 542-3333
9 *Michele.Forney@azag.gov*
10 Attorney for the State of Arizona and
11 the Arizona Secretary of State

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)

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

(Assigned to the Honorable
Roslyn O. Silver)

(Second Request)

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22 Defendants State of Arizona and Arizona Secretary of State Ken Bennett, through
23 undersigned counsel, move to extend the deadline for the State Defendants to submit
24 their responsive memoranda to Plaintiffs' Motions for Attorneys' Fees and respective
25 supporting memoranda. Currently, Defendants' deadline to respond to the Gonzalez
26 Plaintiffs and ITCA Plaintiffs separate motions is March 4, 2014. At the same time, the
27 Gonzalez Plaintiffs and ITCA Plaintiffs have filed separate fee requests in the Ninth
28 Circuit Court of Appeals and Defendants' respective responses are also due on March 4,

1 2013. Defendants, through this Motion, request a single deadline of March 28, 2014 for
2 the responses to all four fee requests in both courts. The State Defendants will be
3 simultaneously filing a similar motion in the Ninth Circuit to request the same deadline.

4 **A. Plaintiffs' Position.**

5 On February 27, 2014, the State Defendants' attorneys consulted with Plaintiffs'
6 attorneys to determine whether they would object to the requested extension. Both the
7 ITCA Plaintiffs and Gonzalez Plaintiffs stated that they have no objection.

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

9 This request is not made for purposes of delay and good cause exists to grant the
10 extension. Undersigned counsel notes that the State Defendants previously requested
11 and obtained an extension of the deadline and noted at the time that hopefully no further
12 extensions would be sought. However, unforeseen problems have forced the State
13 Defendants to seek the court's assistance and the Plaintiffs' understanding a second
14 time.

15 On Thursday, February 20, 2014, undersigned counsel—the primary attorney
16 performing the attorneys' fees analysis—discovered huge errors in the Microsoft Excel
17 spreadsheets that had been created to compile and analyze the Plaintiffs' billing records
18 from two different law firms (Gonzalez Plaintiffs) and five different law firms (ITCA
19 Plaintiffs). Undersigned counsel had relied on two secretaries and one paralegal and
20 herself to enter all of the time entries into spreadsheets. Upon consolidating the
21 spreadsheets into two master spreadsheets (one for each respective group of Plaintiffs),
22 errors were made and data was lost. As a result, undersigned counsel had to essentially
23 start over to ensure that all of the billing records submitted by the Plaintiffs was
24 contained in those two master spreadsheets and from there perform the necessary
25 analysis in order to prepare a settlement offer for each group of Plaintiffs and, if
26 necessary, the respective responsive memoranda. Throughout the period of time since
27 the Plaintiffs filed their fee requests, undersigned counsel and staff have worked
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1 diligently on the analysis and preparation for settlement negotiations.

2 As a result of that unforeseen technological problem, the State Defendants have
3 not yet obtained authority to submit settlement offers to the two Plaintiff groups.
4 Representatives from the Arizona Attorney General's Office met with the Legislature on
5 Friday, February 28, 2014. As a result of that meeting, undersigned counsel is optimistic
6 and has assured Plaintiffs' attorneys that good faith settlement offers will be
7 communicated within the next week. The Plaintiffs will then need sufficient time to
8 consider the settlement offers. The State Defendants remain hopeful and confident that
9 settlements can be reached to resolve the attorneys' fees requests.

10 Further, undersigned counsel has pre-set vacation plans for the week of March 17,
11 2014 through March 21, 2014. Taking into account the time it will take to present
12 settlement offers to the Plaintiffs, allow them sufficient time to consider the offers, and,
13 if necessary, prepare the responsive memoranda, the State Defendants believe that
14 March 28, 2014 is an appropriate deadline.

15 **C. Conclusion.**

16 The State Defendants seek the extension until March 28, 2014 in good faith and
17 based on an objective review of the schedules and defense counsels' abilities to
18 accommodate calendars and staffing concerns. A proposed form of order accompanies
19 this Motion.

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21 DATED this 3rd day of March, 2014.

22 THOMAS C. HORNE
23 Arizona Attorney General

24 s/ Michele L. Forney
25 Michele L. Forney
26 Assistant Attorney General
27 Attorney for the State of Arizona and the
28 Arizona Secretary of State

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March, 2014, 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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