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

14 MARIA M. GONZALEZ, et al.,
15
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

(Consolidated)

MOTION FOR CLARIFICATION

20
21 On September 11, 2006, this Court entered an Order denying the Motions for
22 Preliminary Injunction filed by the plaintiffs in the consolidated actions. In addition, the
23 Court scheduled supplemental briefing and an evidentiary hearing on the Navajo Nation
24 Plaintiffs' Voting Rights Act and Civil Rights Act claims. Rule 42(b) gives the Court
25 authority to order a separate hearing on the Navajo Nation Plaintiffs' separate issues. The
26 Navajo Nation Plaintiffs interpret the September 11, 2006 Order as the Court reserving the
27 right to rule on their Motion for Preliminary Injunction until after the October 19, 2006
28 hearing. However, the September 11, 2006 Order denying the motions for preliminary

1 injunction as to all plaintiffs does not indicate whether the Court will be issuing a
2 subsequent order after considering the supplemental briefing and evidence. The Navajo
3 Nation Plaintiffs respectfully request that the Court (1) clarify that it was reserving the right
4 to rule on the Navajo Nation Plaintiffs' separate issues and will issue an order after the
5 October 19, 2006 hearing so that the Navajo Nation Plaintiffs do not lose the right to
6 appeal, or (2) allow the Navajo Nation Plaintiffs to file a Motion for Reconsideration of the
7 Court's denial of the their Motion for Preliminary Injunction pursuant to Local Rules of
8 Civil Procedure 7.2(g).

9 A proposed order is attached for your consideration.

10 DATED this 4th day of October, 2006.

11 Sacks Tierney P.A.

12
13 By: s/ Judith M. Dworkin
14 Judith M. Dworkin
15 Marvin S. Cohen
16 Patricia Ferguson-Bohnee

17 Attorneys for Plaintiffs Navajo Nation and
18 Agnes Laughter
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 4, 2006, a complete, duplicate copy of this
3 document was forwarded directly to Judge Roslyn O. Silver by First Class Mail, at the
4 following addresses:

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

7 s/ Judith M. Dworkin

8 I hereby certify that on October 4, 2006, I electronically transmitted the attached
9 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
10 Notice of Electronic Filing to the following CM/ECF registrants, if any:

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