

EXHIBIT

1

1 Nina Perales, TX SBN: 24005046
2 MEXICAN AMERICAN LEGAL
3 DEFENSE AND EDUCATIONAL FUND
4 110 Broadway, Suite 300
5 San Antonio, TX 78205
6 Ph: (210) 224-5476

7 Daniel R. Ortega, Jr., SBN: 005015
8 ROUSH, MCCRACKEN, GUERRERO,
9 MILLER & ORTEGA
10 650 North Third Avenue
11 Phoenix, Arizona 85003
12 Ph: (602) 253-3554

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF ARIZONA

15 Maria M. Gonzalez, et al.,
16 Plaintiffs,

17 v.

18 State of Arizona, et al.,
19 Defendants.

20 The Inter Tribal Council of Arizona,
21 Inc., et al.

22 Plaintiffs,

23 Jan Brewer, in her official capacity as
24 Secretary of State of Arizona

25 Defendants.

Case No. CV-06-1268-PHX-ROS

**PLAINTIFFS' FIRST
REQUEST FOR PRODUCTION
OF DOCUMENTS TO
DEFENDANTS HELEN PURCELL
AND KAREN OSBORNE**

(Assigned to the Honorable
Roslyn O. Silver)

26 TO: Helen Purcell, Maricopa County Recorder
27 Karen Osborne, Maricopa Elections Director
28 through their counsel of record, M. Colleen Connor, Maricopa County
Attorney's Office, Division of County Counsel, 222 N. Central Avenue,
Suite 1100, Phoenix, Arizona 85003; and Dennis I. Wilenchik,
Kathleen Rapp, Wilenchik and Bartness, P.C., 2810 North Third Street,
Phoenix, Arizona 85004, Attorneys for County Defendants.

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs
request that, within thirty (30) days of service, the above-named Defendants produce the
documents requested in Section IV below in accordance with the Definitions and
Instructions set forth below. Further, the above-named Defendant are directed to

1 supplement these responses and production as provided by the same Rules. Unless
2 counsel for the parties makes another agreement, documents are to be produced at the
3 offices of the Mexican American Legal Defense and Educational Fund, Inc., 110
4 Broadway, Suite 300, San Antonio, Texas 78205.

6 I. DEFINITIONS

7 For purposes of these Requests for Production, the terms used herein shall have the
8 following meanings:

9 A. As used herein, the words “and” and “or” shall be construed either
10 conjunctively or disjunctively as required by the context to bring within the scope of these
11 requests any documents or information that might be deemed outside its scope by another
12 construction.

13 B. “Communication” shall mean and include every manner or means of
14 disclosure, transfer, or exchange, and every disclosure, transfer, or exchange of
15 information, whether orally or by document or whether face-to-face, by telephone, mail,
16 e-mail or other computer-transmitted data, personal delivery, or otherwise.

17 C. The term “relating to” shall have its usual meaning and shall also specifically
18 mean reflecting, concerning, referring to, describing, representing, evidencing or
19 constituting.

20 D. “Document” and “documents” are defined to be synonymous in meaning and
21 equal in scope to the usage of the terms in Federal Rule of Civil Procedure 34(a), in its
22 broadest sense, and shall mean and include all computerized memoranda, databases,
23 spreadsheets, e-mail, any documents of identification and other information as well as
24 written, printed, typed, recorded or graphic matter of every kind and description, both
25 originals and copies, and all attachments and appendices thereto, that are in the
26 possession, custody or control of the Defendants or in the possession, custody or control
27 of the attorney for the Defendants. A draft of a non-identical copy is a separate document
28 within the meaning of this term.

1 E. Without limiting the term "control," a document is deemed to be within your
2 control if you have ownership, possession or custody of the document, or the right to
3 secure the document or copy thereof from any persons or public or private entity having
4 physical control thereof.

5 F. "Person" shall mean any individual, association, agency, commission, or other
6 legal or governmental entity or association.

7 G. "Statement" means and includes any written or graphic statement signed or
8 otherwise adopted or approved by the users in making it, any stenographic, mechanical,
9 electrical or other recording or a written transcription which is a substantially verbatim
10 recital or an oral statement made by a person which is contemporaneously recorded.

11 H. "You" and "your" shall mean the Defendants, as well as all other persons acting
12 or purporting to act on behalf of the Defendants, including any attorney or other
13 representative.

14 I. The plural of any word used herein includes the singular, and the singular
15 includes the plural.

16 J. The masculine gender of any word used herein includes the feminine and the
17 neutral genders.

18 K. The past tense of any verb used herein includes the present tense, and the
19 present tense includes the past tense.

20
21 **II. INSTRUCTIONS**

22 1. Regarding documents called for by these requests as to which you claim a
23 privilege or which you contend are not subject to production, please provide at the time
24 for production a listing that describes each document and states with respect to each such
25 document:

- 26 a. the type of document (e.g., letter, memorandum, report, etc.);
27 b. the date;
28 c. the title;

- 1 d. the number of pages;
2 e. the author or addressor;
3 f. the names and address or addresses of any persons who have
4 received and/or who have obtained a copy of the document;
5 g. the subject matter of the document;
6 h. the factual and legal basis of the claim or privilege or ground of non-
7 production asserted with respect to the document; and
8 i. any other information which, without revealing the information
9 which is itself privileged or protected, will enable the plaintiffs to
10 assess the application of the privilege asserted.

11 2. If you contend that you are unable to produce fully and completely the
12 documents requested herein, or any portion thereof, after exercising due diligence to
13 locate those documents, please so state, specifying the basis for such limited production,
14 the reasons for the inability to produce the documents requested, whether said documents
15 have been destroyed and why, and whatever information or knowledge you may have
16 concerning the location of such documents.

17 3. Unless the context clearly requires otherwise, this request for documents
18 includes all documents within your custody or control, those within the
19 custody or control of each of your attorneys, agents, associates, and/or employees, and
20 those to which any of these persons has access.

21 4. For all documents in electronic, magnetic, or format other than paper,
22 produce in the following formats: printed hardcopy or electronic (700 Mb compact disk
23 Microsoft Word 2003 or later).

24 **III. WARNINGS**

25 A. A failure to produce the documents requested on time or in good faith may
26 result in sanctions being imposed against you under Rule 37 of the Federal Rules of Civil
27 Procedure.
28

1 B. An evasive or incomplete production is to be treated as a failure to produce the
2 requested documents.

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IV. REQUESTED ITEMS

Request for Production No. 1:

All documents related to voter registration applications rejected for failure to provide sufficient proof of United States citizenship, sorted by month.

Dated: July 10, 2006

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND

By: _____ /s/

Nina Perales

Attorneys for Plaintiffs
Gonzalez, *et al.*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 10th day of July, 2006, I faxed and mailed copies of the
3 foregoing document to:

4 M. Colleen Connor (connorc@mcao.maricopa.gov)
5 MCAO Division of County Counsel
6 222 N. Central Avenue, Ste. 1100
7 Phoenix, Arizona 85003
8 (602) 506-8567 (fax)

9 Dennis I. Wilenchik (diw@wb-law.com)
10 Kathleen Rapp (kathleenr@wb-law.com)
11 Wilenchik and Bartness, P.C.
12 The Wilenchik & Bartness Building
13 2810 North Third Street
14 Phoenix, Arizona 85004
15 Attorneys for County Defendants
16 (602) 606-2810 (fax)

17 I hereby certify that on the 10th day of July, 2006, I mailed copies of the foregoing
18 document to:

19 Peter Alex Silverman (peter.silverman@azag.gov)
20 Office of the Attorney General
21 1275 W. Washington Street
22 Phoenix, Arizona 85007-2926
23 Attorney for Defendants State of Arizona, and Jan Brewer in
24 her official capacity as the Secretary of State of the state of Arizona

25 STEPTOE & JOHNSON LLP
26 David J. Bodney (dbodney@steptoe.com)
27 Karen J. Hartman-Tellez (khartman@steptoe.com)
28 Collier Center
29 201 East Washington St., Ste. 1600
30 Phoenix, Arizona 85004-2382

31 OSBORN MALEDON, P.A.
32 David B. Rosenbaum (drosenbaum@omlaw.com)
33 Thomas L. Hudson
34 Sara S. Greene
35 2929 North Central Ave., 21st Floor
36 Phoenix, Arizona 85012-2793

37 Attorneys for The Inter Tribal Council of Arizona, Inc., et al.

38 By: /s/Nina Perales
39 Nina Perales

40 Counsel for Plaintiffs, Gonzalez, et al.

EXHIBIT

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Nina Perales

From: Kathleen E. Rapp [KathleenR@wb-law.com]
Sent: Friday, July 28, 2006 11:22 AM
To: Carlos Becerra; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com
Subject: RE: Discovery Production and Confidentiality

Those changes are fine with us. Jean, please let me know if I can sign for you as well. Thanks!

Katie

From: Carlos Becerra [mailto:cbecerra@MALDEF.org]
Sent: Friday, July 28, 2006 7:42 AM
To: Kathleen E. Rapp; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com
Subject: RE: Discovery Production and Confidentiality

Kathleen,

I have attached a red-line version of stipulation with our proposed changes. If you agree to all of our changes, you can sign for us. Thanks.

Carlos

From: Kathleen E. Rapp [mailto:KathleenR@wb-law.com]
Sent: Thu 7/27/2006 3:25 PM
To: Carlos Becerra; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com
Subject: RE: Discovery Production and Confidentiality

Carlos, here is a stipulation with your suggestions incorporated. Please let us know if we can sign for you.

Katie

From: Carlos Becerra [mailto:cbecerra@MALDEF.org]
Sent: Thursday, July 27, 2006 8:39 AM
To: Kathleen E. Rapp; Nina Perales; connorc@mcao.maricopa.gov; jwilcox@coconino.az.gov; sgreene@omlaw.com; bblustein@lawyerscommittee.org; peter.silverman@azag.gov; khartman@steptoe.com; thudson@omlaw.com
Subject: Re: Discovery Production and Confidentiality

Gonzalez Plaintiffs propose the following additions to the Stipulation:

- A carve-out in the Stipulation for experts and consultants; potential witnesses; and court

8/29/2007

personnel. We propose the following language:

“Individuals entitled to access include: a. counsel for the parties, including paralegals, clerks, and other staff as deemed necessary by counsel; b. the named parties in this action, to the extent necessary, as determined by counsel; c. official representatives of the parties if the party is a membership organization, as determined by counsel; d. experts and consultants retained by the parties in this case; e. the Court; court personnel, court reporters, and foreign language interpreters; f. any actual or potential witness, as determined by counsel.”

- Please provide guidance in the Stipulation as to how to handle the information at the conclusion of the case. Also, there is no provision for inadvertent disclosure.
- Please include the following in the Stipulation: “Nothing in this stipulation of confidentiality will preclude the disclosure of discoverable information or otherwise affect the admissibility of evidence during trial. Federal Rule of Civil Procedure 26(b), the Federal Rules of Evidence, and any applicable legal authority will govern the disclosure and admissibility of evidence in this case.”

Thank you.

-----Original Message-----

From: Kathleen E. Rapp [mailto:KathleenR@wb-law.com]

Sent: Wednesday, July 26, 2006 1:24 PM

To: Peter Silverman; Nina Perales; connorc@mcao.maricopa.gov; Karen Hartman; jwilcox@coconino.az.gov; sgreene@omlaw.com

Cc: bblustein@lawyerscommittee.org; Thomas Hudson

Subject: Discovery Production and Confidentiality

Good morning:

After speaking with Colleen about the need for confidentiality of the documents we are about to disclose, it seems that the real answer was somewhere in the middle of Karen's understanding and mine! The information that needs to be kept confidential is any information derived from voter registration forms. This includes, not only the forms themselves, but the names, addresses, etc. that are taken off of the forms and put into some sort of list or database. I have included a proposed stipulation for everyone to review. Please let me know if this meets everyone's needs and if we can sign for you. As soon as we have this worked out, I will send over the first few boxes of documents.

Thanks!

Very truly yours,

Kathleen E. Rapp

Wilenchik & Bartness, P.C.

The Wilenchik & Bartness Building

2810 North Third Street

Phoenix, Arizona 85004

(602) 606-2810 Ext. 220

8/29/2007

(602) 606-2811 (fax)
kathleenr@wb-law.com

The information in this e-mail transaction, and any documents, files, or previous e-mail messages attached to it are confidential and legally privileged. It is intended for the sole and exclusive use of the addressee(s) and their authorized representative and may not be disclosed to any third party without the prior written authorization of the sender. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify Wilenchik & Bartness, P.C., destroy the original transmission and its attachments without reading or saving in any manner.

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EXHIBIT

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WILENCHIK & BARTNESS
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

The Wilenchik & Bartness Building
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Telephone: 602-606-2810 Facsimile: 602-606-2811

Dennis I. Wilenchik, #005350
Kathleen E. Rapp, #023982

Attorneys for Apache, Cochise, Gila, Graham, Greenlee,
La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz,
Yavapai, and Yuma County Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MARIA M. GONZALEZ, et al.,

Plaintiffs,

v.

STATE OF ARIZONA, et al.,

Defendants.

Cause No. CV-06-1268-PHX-ROX

STIPULATION OF CONFIDENTIALITY

**(Assigned to the
Honorable Roslyn O. Silver)**

All parties to the above-captioned litigation hereby stipulate that any and all information obtained from voter registration forms and described as confidential by A.R.S. § 16-168 will be held in the highest confidence and will not be transmitted in any way, in part or in full, to any person or organization not exempted below. Information obtained from voter registration forms includes any information communicated to any federal, state, or local governmental agency via the voter registration forms. This information is protected regardless of whether it has been disclosed in the form of copies of the voter registration form, spreadsheet, or other lists or databases.

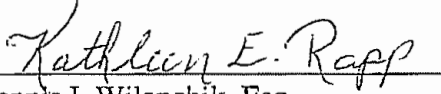
Individuals entitled to access confidential information include: (1) counsel for the parties, including paralegals, clerks, and other legal staff as deemed necessary by counsel; (2) the named parties in this action, to the extent necessary, as determined by counsel; (3) official representatives of the parties if the party is a membership organization, as determined by counsel; (4) experts and consultants retained by the parties in this case; (5) the Court; court personnel, court reporters, and

1 foreign language interpreters; (6) and those individuals upon whom counsel for all named parties
2 agree, in writing, to permit disclosure. All individuals with access to confidential information
3 should make every effort to ensure its security. In the case of inadvertent disclosure, the individual
4 who has disclosed the information shall immediately notify counsel for all named parties and shall
5 immediately make every effort to secure the disclosed information or ensure that it has been
6 promptly destroyed.

7 At the conclusion of the above-captioned case, all confidential information shall be returned
8 to the party that disclosed it or shall be promptly destroyed. Nothing in this stipulation of
9 confidentiality will preclude the disclosure of discoverable information between parties or otherwise
10 affect the admissibility of evidence during trial. Federal Rule of Civil Procedure 26(b), the Federal
11 Rules of Evidence, and any applicable legal authority will govern the disclosure and admissibility of
12 evidence in this case

13 **RESPECTFULLY SUBMITTED** this 3rd day of August, 2006.

14 **WILENCHIK & BARTNESS, P.C.**

15 
16 Dennis I. Wilenchik, Esq.

17 Kathleen E. Rapp, Esq.

18 The Wilenchik & Bartness Building

2810 North Third Street

Phoenix, Arizona 85004

19 **ANDREW P. THOMAS, ESQ.**

20 **MARICOPA COUNTY ATTORNEY**

21 By: Colleen Connor, Esq.

Deputy County Attorney

MCAO Firm No. 00032000

22 **CIVIL DIVISION**

23 222 North Central Avenue, Suite 1100

Phoenix, Arizona 85004-2206

24 Telephone (602) 506-0128

connorc@mcao.maricopa.gov

25 **Attorneys for Apache, Cochise, Gila, Graham, Greenlee,**
26 **La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa**
27 **Cruz, Yavapai, and Yuma County Defendants**



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Kathleen E. Rapp for
Terence C. Hance, Esq.
Coconino County Attorney
Dean E. Wilcox, Esq. (jwilcox@coconino.az.gov)
Deputy County Attorney
110 East Cherry Avenue
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Kathleen E. Rapp for
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Nina Perales, Esq.
Mexican American Legal Defense
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San Antonio, TX 78205
210-224-5476
Fax: 210-224-5382
nperales@maldef.org

Attorneys for the Gonzalez Plaintiffs, et. al.

ORIGINAL ELECTRONICALLY filed
this 3rd day of August, 2006

COPY MAILED this 3rd
day of ~~June~~, 2006, to:
August

The Honorable Roslyn O. Silver
United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 624
401 West Washington Street, SPC 59
Phoenix, Arizona 85003

H. Myers

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARIA M. GONZALEZ, et al.,

Plaintiffs,

v.

STATE OF ARIZONA, et al.,

Defendants.

Cause No. CV-06-1268-PHX-ROX

**PROPOSED ORDER TO PROTECT AND
KEEP CONFIDENTIAL INFORMATION
OBTAINED FROM THE VOTER
REGISTRATION FORMS**

Upon stipulation of the Defendants and the Gonzalez Plaintiffs, et al., and good cause appearing therefore;

IT IS ORDERED THAT:

Docket Number 134 be stricken from the record; and

Parties protect and maintain as confidential all information derived from voter registration forms, as described in the parties' stipulation.

Dated this ____ day of August, 2006.

Roslyn O. Silver
United States District Judge