

1 Cecillia D. Wang (*Pro Hac Vice*)  
2 ACLU Foundation  
3 Immigrants' Rights Project  
4 39 Drumm Street  
5 San Francisco, California 94111  
6 Telephone: (415) 343-0775  
7 Facsimile: (415) 395-0950  
8 cwang@aclu.org

6 Stanley Young (*Pro Hac Vice*)  
7 Covington & Burling LLP  
8 333 Twin Dolphin Drive  
9 Suite 700  
10 Redwood Shores, CA 94065-1418  
11 Telephone: (650) 632-4700  
12 Facsimile: (650) 632-4800  
13 syoung@cov.com

14 *Attorneys for Plaintiffs (Additional attorneys*  
15 *for Plaintiffs listed on next page)*

16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF ARIZONA**

18 Manuel de Jesus Ortega Melendres, ) CV-07-2513-PHX-GMS  
19 et al., )

20 Plaintiff(s), )

21 v. )

22 Joseph M. Arpaio, et al., )

23 Defendants(s). )  
24 )  
25 )  
26 )  
27 )  
28 )

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' NOTICE RE  
PROPOSED TRAINING  
SCHEDULE**

1 Additional Attorneys for Plaintiffs:

2 Tammy Albarran (*Pro Hac Vice*)  
3 talbarran@cov.com  
4 David Hults (*Pro Hac Vice*)  
5 dhults@cov.com  
6 Covington & Burling LLP  
7 1 Front Street  
8 San Francisco, CA 94111-5356  
9 Telephone: (415) 591-6000  
10 Facsimile: (415) 591-6091

11 Lesli Gallagher (*Pro Hac Vice*)  
12 lgallagher@cov.com  
13 Covington & Burling LLP  
14 9191 Towne Centre Drive, 6th Floor  
15 San Diego CA 92122  
16 Telephone: (858) 678-1800  
17 Facsimile: (858) 678-1600

18 Daniel Pochoda  
19 dpochoda@acluaz.org  
20 ACLU Foundation of Arizona  
21 3707 N. 7th St., Suite 235  
22 Phoenix, AZ 85014  
23 Telephone: (602) 650-1854  
24 Facsimile: (602) 650-1376

25 Anne Lai (*Pro Hac Vice*)  
26 alai@law.uci.edu  
27 401 E. Peltason, Suite 3500  
28 Irvine, CA 92697-8000  
Telephone: (949) 824-9894  
Facsimile: (949) 824-0066

Andre I. Segura (*Pro Hac Vice*)  
asegura@aclu.org  
ACLU Foundation  
Immigrants' Rights Project  
125 Broad Street, 17th Floor  
New York, NY 10004  
Telephone: (212) 549-2676  
Facsimile: (212) 549-2654

Nancy Ramirez (*Pro Hac Vice*)  
nramirez@maldef.org  
Mexican American Legal Defense and  
Educational Fund  
634 South Spring Street, 11th Floor  
Los Angeles, California 90014  
Telephone: (213) 629-2512  
Facsimile: (213) 629-0266

1 Plaintiffs respectfully submit the following Response to Defendants’ “Notice of  
2 Lodging Its Proposed Training Schedule.”

3 Training schedule

4 1. Plaintiffs do not object to Defendants’ proposal that all required trainings under  
5 the Court’s October 24, 2013, order should be completed no later than 120 days after  
6 approval of the training materials and instructors by the Monitor.

7 Instructors

8 2. Plaintiffs renew their objection to the participation of Defendants’ counsel  
9 Thomas Liddy as an instructor. As Plaintiffs stated to Defendants during the meet-and-  
10 confer process beginning in January 2014, Plaintiffs object to Mr. Liddy’s participation in  
11 the training because of potential conflicts that may arise during the course of the  
12 compliance period. For example, if an issue were to arise in the future about the  
13 adequacy of a training in which Mr. Liddy has served as a trainer, he would be in the  
14 conflicted position of acting both as a fact witness and as Defendants’ counsel in any  
15 compliance proceeding.

16 3. Plaintiffs renew their objection to the participation of Deputy Chief John  
17 MacIntyre as an instructor. As Plaintiffs stated to Defendants during the meet-and-confer  
18 process beginning in January 2014, Plaintiffs object to Deputy Chief MacIntyre’s  
19 participation as a trainer because of his admitted responsibility for the spoliation of  
20 evidence during the course of this litigation.

21 4. Plaintiffs renew their objection to the participation of Chief Deputy Jerry  
22 Sheridan as an instructor, for reasons stated during the status conference before the Court  
23 on March 24, 2014. Plaintiffs continue to believe Chief Deputy Sheridan’s participation  
24 as a trainer is inappropriate in light of his statements during the official MCSO pre-  
25 operation briefing in October 2013, and his public statements in the *Arizona Republic* in  
26 January 2014. In the event that the Court does not bar Deputy Chief Sheridan’s

1 participation as a trainer, Plaintiffs request access to MCSO's training sessions in order to  
2 observe the proceedings.

3 5. As indicated in Defendants' Notice, counsel for Defendants invited Plaintiffs to  
4 submit proposed instructors for the required trainings. Plaintiffs are in the process of  
5 identifying and vetting prospective instructors and will meet and confer with Defendants  
6 and the Monitor about additional instructors. Plaintiffs request the Court's leave for an  
7 additional seven days to submit proposed instructors.

8 Training materials and curriculum

9 6. Defendants' Notice refers to trainings on the Fourth Amendment and Bias-Free  
10 Policing (Classes 1 and 2), and to a supervisors' training (Class 3). Plaintiffs note that  
11 the required training on the Fourth Amendment also includes content relating to the  
12 enforcement of immigration-related Arizona state laws.

13 7. In January 2014, Plaintiffs engaged in an extensive meet-and-confer process  
14 with the Defendants concerning the identity of instructors and the content of the training  
15 materials submitted by Defendants to the Court on December 31, 2013. Plaintiffs raised  
16 numerous objections and made numerous detailed recommendations about the content of  
17 Defendants' proposed training curriculum and materials. The proposed curriculum  
18 contained numerous legal errors, incomplete summaries of the Court's orders and, in the  
19 case of the supervisor training, included only a cursory list of topics with no detailed  
20 content. To take just one example, the proposed curriculum did not correctly define  
21 racial profiling and suggested that if a deputy has probable cause to arrest or reasonable  
22 suspicion to justify a *Terry* stop, then no racial profiling has occurred. At the time of the  
23 meet-and-confer in January 2014, Defendants indicated that they would consider some of  
24 Plaintiffs' objections and recommendations and provide revised versions for Plaintiffs'  
25 review but to date, Defendants have not provided Plaintiffs with any revisions to the  
26 materials submitted on December 31, 2013. Plaintiffs had expected Defendants to  
27 include such revised training materials in Defendants' April 7, 2014, production of  
28

1 documents to the Monitor, but that production did not include any training curriculum or  
2 materials. Plaintiffs request that the Court order Defendants to cooperate with the  
3 Monitor to expedite the completion, review (including by Plaintiffs) and approval of the  
4 training curriculum and materials. Until such time, Defendants' proposed 120-day period  
5 for implementation of the new training cannot even begin to run.

6 8. Plaintiffs have summarized the meet-and-confer process in correspondence with  
7 the Monitor, and intend to continue meeting and conferring with Defendants and the  
8 Monitor in order to expedite the completion of the training curriculum and materials, so  
9 that the 120-day training period may begin as soon as possible.

10 RESPECTFULLY SUBMITTED this 17th day of April, 2014.

11  
12 By: /s/ Cecillia D. Wang  
13 Cecillia D. Wang (*Pro Hac Vice*)  
14 ACLU Foundation  
Immigrants' Rights Project

15 Stanley Young (*Pro Hac Vice*)  
16 Tammy Albarran (*Pro Hac Vice*)  
17 Lesli Gallagher (*Pro Hac Vice*)  
David Hults (*Pro Hac Vice*)  
Covington & Burling LLP

18 Daniel Pochoda  
ACLU Foundation of Arizona

19 Anne Lai (*Pro Hac Vice*)

20 Andre I. Segura (*Pro Hac Vice*)  
21 ACLU Foundation  
Immigrants' Rights Project

22 Nancy Ramirez (*Pro Hac Vice*)  
23 Mexican American Legal Defense and  
Educational Fund

24 *Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2014, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and caused the attached document to be e-mailed to:

Timothy J. Casey  
timcasey@azbarristers.com

Thomas P. Liddy  
liddyt@mcao.maricopa.gov

Eileen Dennis GilBride  
egilbride@jshfirm.com

*Attorneys for Defendant Sheriff Joseph Arpaio and the  
Maricopa County Sherriff's Office*

/s/ Cecillia D. Wang