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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARICOPA COUNTY, ARIZONA;
MARICOPA COUNTY SHERIFF'S
OFFICE; and JOSEPH M. ARPAIO, in his
official capacity as Sheriff of Maricopa
County, Arizona,

Defendants.

Case No. 2:10-cv-01878-GMS

**DEFENDANT'S CONTROVERTING
AND SEPARATE STATEMENT OF
FACTS IN SUPPORT OF
RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AND MARICOPA
COUNTY'S CROSS-MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Rule 56.1(b), Rules of Federal Civil Procedure, for the District of Arizona, Defendant Maricopa County, Arizona ("Maricopa County") hereby provides its Controverting Statement of Facts in Response to Plaintiff's Motion for Summary Judgment as follows:

Maricopa County denies and controverts any allegation that when it is included in the term "Defendants" it has committed any act(s) in violation of Title VI or its implementing regulations.

- 1. Undisputed.
- 2. Undisputed.
- 3. Undisputed.

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- 4. Disputed in part. Although Grant Award No. 2008-DJ-BX-0500 does not indicate the purpose of the funds, Maricopa County does not dispute the Grant award.
 - 5. Undisputed.
 - 6. Disputed in part. Although Grant Award No. 2009-SB-B9-2970 does not indicate the purpose of the funds, Maricopa County does not dispute the Grant award.
 - 7. Undisputed.
 - 8. Disputed in part. Although Grant Award No. 2009-DJ-BX-0342 does not indicate the purpose of the funds, Maricopa County does not dispute the Grant award.
 - 9. Undisputed, except as to the exact amount, which has not been confirmed.
- The amounts in paragraphs 3-8 do not total the amount stated herein.
- 10. Undisputed.
 - 11. Undisputed.
 - 12. Undisputed.
 - 13. Undisputed.
 - 14. Undisputed.
 - 15. Undisputed.
 - 16. Undisputed.
 - 17. Undisputed, except as to the exact amount, which has not been confirmed.
 - 18. Undisputed, except as to the exact amount, which has not been confirmed.
 - 19. Undisputed, except as to the exact amount, which has not been confirmed.
 - 20. Undisputed, except as to the exact amount, which has not been confirmed.
 - 21. Undisputed, except as to the exact amount, which has not been confirmed.
 - 22. Undisputed.
 - 23. Undisputed.
 - 24. Undisputed.
 - 25. Upon information and belief, undisputed, pending MCSO's response.
 - 26. Undisputed.
 - 27. Undisputed.

- 1 28. Undisputed.
- 2 29. Undisputed.
- 3 30. Undisputed.
- 4 31. Undisputed.
- 5 32. Undisputed.
- 6 33. Undisputed.
- 7 34. Undisputed.
- 8 35. No information. This was email communication between DOJ/MCSO only.
- 9 36. No information. This was email communication between DOJ/MCSO only.
- 10 37. No information. This was email communication between DOJ/MCSO only.
- 11 38. Undisputed.
- 12 39. Undisputed.
- 13 40. Undisputed, however, Maricopa County was not copied.
- 14 41. No information as Maricopa County was not included.
- 15 42. No information. This was email communication between DOJ/MCSO only.
- 16 43. No information. This was email communication between DOJ/MCSO only.
- 17 44. No information. This was communication between DOJ/MCSO only.
- 18 45. No information. This was email communication between DOJ/MCSO only.
- 19 46. No information. This was email communication between DOJ/MCSO only.
- 20 47. No information. This was communication between DOJ/MCSO only.
- 21 48. No information. This was communication between DOJ/MCSO only.
- 22 49. Undisputed.
- 23 50. No information. This was communication between DOJ/MCSO only.
- 24 51. No information. This was communication between DOJ/MCSO only.
- 25 52. No information. This was email communication between DOJ/MCSO only.
- 26 53. No information. This was email communication between DOJ/MCSO only.
- 27 54. No information. This was email communication between DOJ/MCSO only.
- 28 55. No information. This was communication between DOJ/MCSO only.

- 1 56. No information. This was email communication between DOJ/MCSO only.
- 2 57. No information. This was communication between DOJ/MCSO only.
- 3 58. No information. This was communication between DOJ/MCSO only.
- 4 59. No information. This was email communication between DOJ/MCSO only.
- 5 60. No information. This was communication between DOJ/MCSO only.
- 6 61. No information. This was communication between DOJ/MCSO only.
- 7 62. No information. This was communication between DOJ/MCSO only.
- 8 63. Undisputed.
- 9 64. Undisputed.
- 10 65. Undisputed.
- 11 66. No information. This was email communication between DOJ/MCSO only.
- 12 67. No information. This was email communication between DOJ/MCSO only.
- 13 68. No information. This was email communication between DOJ/MCSO only.
- 14 69. No information. This was communication between DOJ/MCSO only.
- 15 70. No information. This was email communication between DOJ/MCSO only.
- 16 71. No information. This was email communication between DOJ/MCSO only.
- 17 72. No information. Maricopa County did not attend this meet and confer.
- 18 Maricopa County has no basis to admit or deny the factual allegations contained herein.
- 19 73. No information. This was communication between DOJ/MCSO only.
- 20 74. Undisputed.

21 **MARICOPA COUNTY’S SEPARATE STATEMENT OF FACTS.**

22 Pursuant to Rule 56.1(b), Rules of Federal Civil Procedure, for the District of
23 Arizona, Defendant Maricopa County, Arizona (“Maricopa County”) hereby provides its
24 Separate Statement of Facts in Support of Cross-Motion for Summary Judgment as
25 follows:

26 75. Although DOJ requested MCSO to provide certain documents and
27 information in the course of its investigation, DOJ did not request Maricopa County to
28 provide documents or access. *See* First Amended Complaint and Plaintiff’s Separate

1 Statement of Facts and the exhibits thereto.

2 76. Upon information and belief, DOJ and MCSO communicated for many
3 months about access to the information and documents sought by DOJ. *See* PSOF,
4 Exhibits 30-45. Maricopa County was not advised of the ongoing communication
5 between MCSO (or its representatives) and DOJ. *Id.*

6 77. Maricopa County does not have access to the information sought by DOJ in
7 the March 25, 2009 Request for Documents and Information. PSOF, Exhibits 59 and 60.

8 78. In each instance where Maricopa County signed the pre-award assurances
9 and assurances of continued compliance, Maricopa County believed the representations
10 that MCSO had complied with Title VI and the implementing regulations were true and
11 accurate. PSOF, Exhibit 59.

12 79. Maricopa County has attempted to obtain MCSO's agreement to comply
13 with the DOJ's request for documents and information, and access to MSCO personnel
14 and facilities. *See* PSOF, Exhibit 60.

15
16 DATED this 10th day of December, 2010.

17 POLSINELLI SHUGHART, P.C.

18
19 By: /s/ Thomas K. Irvine
20 Thomas K. Irvine
21 Cynthia R. Estrella
22 CityScape
23 One East Washington, Suite 1200
24 Phoenix, Arizona 85004
25 *Attorneys for Maricopa County, Arizona*
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 10, 2010 a true and correct copy of the foregoing
3 was filed with the Court and distributed electronically through the ECF system to all
4 individuals registered on ECF in this action:

5 Amin Aminfar: amin.aminfar@usdoj.gov

6 Roy L. Austin: roy.austin@usdoj.gov

7 Matthew Colangelo: matthew.colangelo@usdoj.gov

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14 William R. Jones, Jr.: Wjones@jshfirm.com

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17
18
19 By: /s/ Kimberley K. Mosaidis