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15 UNITED STATES DISTRICT COURT  
 16 DISTRICT OF ARIZONA

18 United States of America,  
 19 Plaintiff,  
 20 v.  
 21 Maricopa County, Arizona; Maricopa County  
 22 Sheriff's Office; and Joseph M. Arpaio, in his  
 23 official capacity as Sheriff of Maricopa  
 24 County, Arizona,  
 Defendants.

No. 2:10-cv-01878-GMS  
**PLAINTIFF'S OBJECTIONS TO  
 DEFENDANT MARICOPA  
 COUNTY'S STATEMENT OF  
 FACTS IN SUPPORT OF  
 CROSS-MOTION FOR  
 SUMMARY JUDGMENT**

25 Plaintiff United States submits its Objections to Defendant Maricopa County's  
 26 ("County") Statement of Facts in Support of Cross Motion For Summary Judgment.

27 75. Although DOJ requested MCSO to provide certain documents and  
 28 information in the course of its investigation, DOJ did not request Maricopa County to

1 provide documents or access. *See* First Amended Complaint and Plaintiff’s Separate  
2 Statement of Facts and the exhibits thereto.

3 **Disputed. In its pleadings, the County admits that the Maricopa County Sheriff’s**  
4 **Office (“MCSO”) is a department within the County whose employees are on the**  
5 **County payroll. Defendant’s Response to Motion for Summary Judgment 6, 8.**  
6 **Requests directed to MCSO were therefore also directed to the County. Further,**  
7 **the United States’ First Request for Documents and Information was directed to the**  
8 **Maricopa County Attorneys’ Office, which was responsible for addressing the**  
9 **United States’ requests. *See, e.g.,* SOF Ex. 31, Ex. 36, Exs. 38-39.<sup>1</sup> Accordingly, the**  
10 **County had notice of and responsibility for the United States’ requests for**  
11 **documents and information.**

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

16 **Disputed. In its pleadings, the County admits that MCSO is a department within**  
17 **the County whose employees are on the County payroll. Defendant’s Response to**  
18 **Motion for Summary Judgment 6, 8. Requests directed to MCSO were therefore**  
19 **also directed to the County. Further, the United States’ First Request for**  
20 **Documents and Information was directed to the Maricopa County Attorneys’**  
21 **Office, which was responsible for addressing the United States’ requests. *See, e.g.,***  
22 **SOF Ex. 31, Ex. 36, Exs. 38-39. Accordingly, the County had notice of and**  
23 **responsibility for the United States’ requests for documents and information.**

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

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27 <sup>1</sup> All references in this Response to “SOF” are to the Plaintiff’s Statement of  
28 Undisputed Facts, Dckt. 19.

1 **Disputed. The County has access to records and information requested by the**  
2 **United States. For example, as the County represented to the United States, the**  
3 **County Board of Supervisors has subpoena authority “to compel . . . the production**  
4 **of any records relating to the affairs of the county for examination upon any matter**  
5 **within the board’s jurisdiction.” Ariz. Rev. Stat. 11-218; SOF Ex. 59.**

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

10 **Disputed. The cited exhibit does not support the assertions in this paragraph. See**  
11 **Local Civil Rule 56.1(a) (requiring each statement of fact to “refer to a specific**  
12 **admissible portion of the record where the fact finds support”).**

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

16 **Disputed. The United States denies this paragraph to the extent that it implies that**  
17 **the County has done more than notify MCSO of its duty to comply with Title VI.**

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Dated: February 4, 2011

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/s/ Amin Aminfar

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2011, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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