

EXHIBIT A

Red – Plaintiffs’ Proposal, Defendants Do Not Agree Blue – Defendants’ Proposal, Plaintiffs Do Not Agree

May 26, 2016

Draft Combined Proposal for Notice and Compensation Methodology

I. Third-Party, Neutral Claims Administrator

- A. The Court will designate the firm of BrownGreer to serve as a neutral, third-party administrator to manage the Notice and Claims Processing Plan to compensate individuals who suffered injury as a result of any violations by the MCSO of the Court’s December 23, 2011 Preliminary Injunction Order.
- B. BrownGreer’s fees will be paid by Defendants.

II. Eligibility

- A. Participation in this scheme for victim compensation is voluntary and is intended as an alternative for eligible individuals to any other means available for obtaining relief for injuries resulting from alleged violations of the Court’s Preliminary Injunction. Claimants who submit claims and are determined to be eligible to participate in the plan will waive and extinguish any right they might otherwise have to obtain relief for the same conduct through any other avenue. The rights of any individual who does not participate in the compensation plan will not be affected.
- B. Individuals who have submitted a claim regarding the same conduct in another forum and received a determination, or those who have a pending claim in another forum, are not eligible to participate in this program. If the individual has a pending claim in another forum, he or she must withdraw such a claim in order to participate in this alternative compensation scheme. As with all other individuals who choose to seek remedies through this compensation scheme, those who withdraw a claim pending in another forum in order to submit an application under this scheme will be required to waive and extinguish any right they might otherwise have to obtain relief for the same conduct through any other avenue.
- C. Compensation under this program will be available to those asserting that their constitutional rights were violated as a result of detention by MCSO

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in violation of the Court's Preliminary Injunction from December 23, 2011 to ~~the present~~ May 24, 2013.

- D. ~~Individuals detained in violation of the Court's Preliminary Injunction will be eligible for compensation, whether detained during traffic stops or otherwise.~~ Eligibility for remedies under this scheme should be limited to those who can show they were detained in violation of the Court's Preliminary Injunction in the context of a traffic stop.

III. Compensation Fund

The Board of Supervisors will create a fund of \$500,000 for payment of claims adjudicated in favor of claimants. In the event that amount is exhausted through the payment of claims and is insufficient to provide compensation to all successful claimants, additional claims adjudicated in favor of claimants will be honored and timely paid by the County through further allocations if necessary. If all claims adjudicated in favor of claimants are fully paid out and there remains an unspent sum in the originally or any supplementally allocated funds, such amount would revert to the County.

IV. Notice Plan

- A. BrownGreer would be provided with a budget of ~~\$200,000~~ \$100,000 to spend on notice and outreach to potentially eligible individuals about the availability of compensation. BrownGreer will utilize its expertise to determine how monies allocated for notice can most effectively be employed to maximize the likelihood that potential claimants will be reached.
- A. The notice plan may include use of radio, digital/online and print advertising, earned media placements, and partnership with non-governmental organizations and embassies. It should target individuals in at least Maricopa County, along the U.S./Mexico Border and in Mexico. Notice will be provided in English and Spanish, with a heavy focus on Spanish-language media and sites.
- B. BrownGreer will consult with the Parties in the development of the notice plan and the text of any notices, press releases or scripts developed. The cost for any such services will be paid out of the notice budget provided for in IV.A. above.
- C. BrownGreer will develop a claim website for the case, a toll-free phone number and an email account, to provide information about how to make a claim. The cost for any such services will be paid out of the notice budget provided for in IV.A. above.
- D. Individual notice will be provided to any individuals identified by the Parties as potentially eligible for compensation for whom a current address

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can be found, *i.e.*, through commercially available database services, and other methods. All costs for such services will be paid out of the notice budget provided for in IV.A above.

V. Claims Adjudication Plan

- A. Claims must be initiated within 365 days from the first issuance of program notice by Brown Greer through any public media outlet (which will also be the date when Brown Greer will be ready to begin receiving applications).
- B. BrownGreer will be provided a sum of \$75,000 in start-up fees to implement the claims processing program.
- C. All materials must be available in English and Spanish, and any other languages as needed. Language should be calculated to be understandable to individuals who will be making claims.
- D. In all cases, it is claimant's burden to establish their entitlement to compensation by a preponderance of the evidence. BrownGreer will be responsible for evaluating the credibility and competency of evidence and witnesses, and determining the appropriate weight to be assigned to evidence adduced.
- E. The Parties recognize that available documentation and testimony may already establish a case that some individuals were subject to violations of the Preliminary Injunction. Thus, a multi-step and multi-track system is proposed to ensure that the burden on claimants for whom such uncontested evidence exists is reduced and the resources committed to this program are used efficiently.
- F. **Claim Initiation Form.** Claimants will first be required to complete a claim initiation form. This form would ask for the following basic information:
 1. Contact information: current address and phone number where individual can be reached
 2. Identity information: name, name provided to MCSO (if different), DOB and reliable proof of identity
 3. Details of encounter: date in the applicable time period (or **approximate (*i.e.*, 30 days) a five-day** date range if precise date is unknown), type of encounter (traffic stop, other)
 4. Approximate length of detention by MCSO. (In cases involving transfer to ICE/CBP, claimant to provide length of detention up until release to ICE/CBP custody)

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5. Whether claimant will request compensation for additional harms listed in Section V.J.5.a below (using check boxes)
6. The form will be signed under oath. Claimants will also sign an acknowledgement and agreement that participation in this program, extinguishes all other rights they may have to pursue claims based upon the same conduct by MCSO.
7. The form will provide claimants with notice as to their confidentiality rights under the program, including any exceptions to confidentiality, *e.g.*, what and with whom information may be shared and for what purpose.
8. The form will also state that claimants are responsible for any tax reporting responsibilities that arise out of receiving compensation through this mechanism.

G. **Track Determination.** Within 21 days after a Claim Initiation Form is filed, BrownGreer will make a determination as to whether the claimant meets the eligibility requirements for participation in the program and, if so, what Track (A or B) his or her claim will fall under. BrownGreer will send any claimants determined not to be eligible for the program a Notice of Ineligibility, and a follow-up form to eligible claimants and information as appropriate.

1. Counsel for the Parties will agree in advance on the list of prequalified candidates and provide these names and related information to BrownGreer.
2. If BrownGreer determines, based on the information in the claim initiation form, that the person is not eligible to participate in the program, *e.g.*, because s/he was detained outside the eligible period or the conduct complained of is outside the scope of this case, then BrownGreer will inform the individual in writing that no rights that the individual may have to pursue relief through other avenues has been extinguished.

H. **Track A.** These individuals are “prequalified” to receive compensation and will be awarded the minimum amount as set forth in Section VI.A, unless they are requesting compensation for additional harms. The information provided in the Claim Initiation Form will be deemed to have met those claimants’ burden, except as to any claim for any harms other than for the detention itself. Individuals whose claims would otherwise be assigned to Track A, but who are seeking compensation for any such additional harms shall be assigned to Track B.

1. Prequalified claimants include any person identified in HSU spreadsheets as [having been detained in the context of a traffic](#)

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stop, not arrested on suspicion of conduct in violation of criminal law, and transferred to ICE/CBP in the applicable time period, as well as any other individuals that counsel for Parties can agree appear to have been subject to violations of the Preliminary Injunction based on available documentation, including MCSO incident reports, CAD data and records from the U.S. Department of Homeland Security (DHS).

2. BrownGreer will process claims for only those prequalified claimants who complete and submit a Claim Initiation Form.
3. BrownGreer will be provided an amount yet to be determined per claim for processing claims in Track A.

I. **Track B.** All individuals who do not fit into Track A will be placed in Track B. BrownGreer will send them follow-up claim forms and information necessary to gather the information in Section III.J below.

1. Claimants will be provided with contact information for Plaintiffs' counsel and 30 days to complete forms and submit supporting documentation.
2. BrownGreer will be provided an amount yet to be determined per claim for processing claims in Track B.

J. **Burden of Proof for Individuals in Track B.**

1. BrownGreer must be persuaded that a claimant has shown an entitlement to some portion or all of the compensation claimed with credible and competent evidence, including that s/he was detained in violation of the Preliminary Injunction, the length of the detention, and the fact, nature, and extent of any additional compensable injury. A claimant's statement, made under oath, shall be considered admissible evidence.
2. ***Establishing a prima facie case of a preliminary injunction violation.*** In order to establish eligibility for compensation because the claimant was detained in violation of the Preliminary Injunction in the relevant date range and shift the burden to the MCSO to rebut the claimant's prima facie case, the claimant must provide the following information under oath:
 - a. Identity information: name, name provided to MCSO (if different), DOB and reliable proof of identity
 - b. Details of encounter: date (or **an approximate (i.e., 30 days) a five-day** date range if precise date is unknown), type of encounter (traffic stop, other)

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- c. Approximate location of encounter with officer(s) (e.g., Highway 89, approximately 3 miles north of Fountain Hills)
 - d. Reason given by MCSO officer(s) for detention (if any)
 - e. Evidence that MCSO suspected unlawful presence, e.g., questioning about immigration status, ICE/CBP inquiry or turned over to ICE/CBP, including details about what happened, e.g., if ICE/CBP came to site of detention or MCSO transferred claimant to ICE/CBP
 - f. Approximate length of detention by MCSO (in cases involving transfer to ICE/CBP, claimant to provide length of detention up until release to ICE/CBP custody)
 - g. Whether claimant was arrested
 - h. Testimony or other evidence that the detaining agency s/he encountered was MCSO, e.g., presence of an MCSO marked patrol vehicle, description of the uniform officer was wearing, etc.
3. ***Additional buttressing information for Track B claimants***
(helpful, not required, but may be considered in weighing PFC elements to determine whether the required elements have been established)
- a. Name/badge number of MCSO officer(s) initiating encounter
 - b. Physical description of MCSO officer(s) present at the encounter
 - c. If encounter was initiated as a traffic stop, the name of the driver and/or owner of the vehicle stopped, license plate number of vehicle stopped, and/or description of vehicle (e.g., blue 1999 Chevrolet van)
 - d. Any documentation pertaining to encounter with MCSO officers and / or the claimant's detention
 - e. Identification documentation that was provided to MCSO at the time of the encounter, if it still exists
 - f. Sworn statements of witnesses to the events described by claimant
4. **If a claim form is returned to BrownGreer and appears incomplete, BrownGreer will return the form to the claimant with instructions**

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to correct the deficiency and return the form in 30 days. If the form remains incomplete at that point, BrownGreer will evaluate it “as is.”

5. ***MCSO’s Burden to Rebut PFC for Track B Claimants***

- a. If claimant meets the PFC threshold, MCSO must come forward with credible, competent evidence that casts doubt on one or more elements of the claim within 30 120 days of receiving access to a complete file from BrownGreer. Should MCSO require additional time, they may make an application to BrownGreer to have an additional 90 days (up to 120 days total), which BrownGreer will grant provided it is for a reasonable reason (i.e., high volume of claims).
- b. Examples of evidence that can satisfy MCSO’s burden to come forward with rebuttal evidence include:
 - i. Attestation that MCSO has no record of the encounter alleged by claimant in cases where the MCSO would otherwise have such records
 - ii. Testimonial or other evidence that encounter alleged by claimant did not occur
 - iii. Documentation showing that claimant’s encounter with MCSO officers was, in some significant way, other than as represented by claimant.
 - iv. Testimonial or other evidence that the length of detention was not as represented by claimant
- c. In any cases where MCSO opts to rebut a case, notice and a copy of what MCSO submits will be provided to the claimant if he or she is not represented by counsel, or any counsel who has entered an appearance and is representing the claimant with respect to his or her claim. Claimants and, where applicable, his or her counsel will have 30 120 days to respond, but may request an extension of 90 days, for a total of 120 days if BrownGreer deems the request reasonable.

6. ***Establishing eligibility for compensation for additional injury***

- a. BrownGreer will consider evidence of the following additional injuries in determining the final award amount (from Plaintiffs’ last proposal):

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- i. Damages arising out of physical harm and/or severe emotional distress that was proximately caused by the detention (up to a cumulative limit for all such damages for emotional distress of \$7,500), including, but not limited to –
 - (a) Ongoing physical harm that occurred as a result of detention and pain and suffering, if any, arising directly out of the physical injury sustained by the claimant
 - (b) Medical bills paid or other out of pocket costs that arose as a result of physical/emotional harm caused by detention
 - (c) Severe emotional distress that occurred as a result of detention and associated costs, if the claimant can establish by credible and competent evidence physical manifestation and the need for treatment (*i.e.*, claimant suffered shock or mental anguish manifested by a physical injury)
- ii. Lost Property - value of property confiscated and expenses incurred as a result of the confiscation and in trying to get it back (up to a cumulative limit for all such losses of \$5,000)
 - 1. Car impounded - loss of time / money in getting car back
 - 2. Money taken
 - 3. Credit / debit cards taken
 - 4. Identification taken - loss of time / money in getting legitimate and lawful identification returned or replaced (not including driver's licenses seized because suspended)
 - 5. Other items
- iii. Detention (and length of detention) by ICE/CBP that was proximately caused by MCSO (\$500 for first hour, or any portion thereof, of detention after first 20 minutes; plus \$35 for each additional segment of 20 minutes, or any portion thereof, up to a maximum cumulative total of \$2,915)

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- iv. Lost wages, foregone employment opportunities or loss of job (with recovery limited to the lesser of 30 days of documented lost wages or \$7,500)
 - 1. Dollar amount of wages lost (up to 30-day/\$7,500 limit) as a result of being detained (must be supported by pertinent documentation, e.g., pay stubs from pre-detention employment)
 - 2. Other costs associated with lost job, e.g., days spent trying to find new job for which claimant can show he or she was legally eligible (\$200/day up to a maximum of \$1,000)
- v. Other provable harms (up to a cumulative maximum of \$2,500)
 - 1. E.g., if claimant personally incurred and paid legal fees, or lost housing / had to find other houses as a result of detention and associated expenses
- (c) The absence of documentation of out of pocket costs will not automatically disqualify an individual from receiving compensation for that injury if there is a reasonable explanation for the absence and alternative corroborating evidence, such as affidavits from individuals with direct personal knowledge about the relevant issue (such as treating medical providers) other than the claimant.
- (d) A Social Security number (or other government identification number) will be requested of all claimants to process a claim for compensation to permit BrownGreer to ensure claim integrity. Claim forms shall state prominently that a Social Security number is not required in order to receive compensation; however, if a person who has a Social Security Number or Resident Alien Number is requesting compensation for out of pocket medical expenses, that number must be reported to receive that part of the compensation claim. Government identification numbers will be excised from all documents provided to the parties, except in cases where the individual is claiming compensation for out of pocket medical expenses. In such a case, a government identification number will be provided.
- (e) BrownGreer will be responsible for determining whether any tax documentation is required to be issued in conjunction with paying out claims, and be responsible for issuing such

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document that may be necessary for Maricopa County as the payor (*i.e.*, 1099s, W2s).

7. ***Interviewing Track B claimants and other witnesses***

- a. Either claimant or MCSO may demand the right to have BrownGreer question witnesses in any case in which the credibility and/or bias of one or more witnesses may be in issue. The party requesting such an interview shall be required to provide compensation for the BG staff member conducting the interview at the rate of \$___/ hour for the time spent in the interview and for up to two (s) hours of preparation time. Either party may, but is not required to, submit questions to be asked of the witness(es) in such interviews. Both parties and Plaintiffs' class counsel may be present at such interviews. Claimant will be given notice if he or she or their witness are to be interviewed, and may be represented by Plaintiffs' counsel or their own representative. For witnesses not in Maricopa County, efforts will be made to accommodate their interview, such as interviews by Skype or other video conference technology.
- b. Interviews will be limited to 30 minutes, and both parties may submit questions to BrownGreer to ask, although BrownGreer has the authority to ask additional questions to enable them to determine the veracity of the claims.

VI. Minimum Compensation for Detention

- A. Claimants will be awarded a base amount of ~~\$1500~~ \$500 for detention lasting up to one hour, ~~if the individual is detained past 20 minutes.~~ Claimants will be awarded an additional base amount of ~~\$1000~~ \$35 for each additional 20 minute segment of detention thereafter (or any portion thereof), ~~up to a cumulative maximum for any detention of \$2915.~~
- B. These base amounts are in addition to any compensation that BrownGreer may award for additional injury under Section V.J.5.a.

VII. No Appeal. Any party will have the ability to request reconsideration of BrownGreer's decision by BrownGreer, but otherwise have no right of appeal.

VIII. Award Disbursement. Defendants will set up an account to which BrownGreer would have access for the purpose of paying out claims adjudicated in favor of claimants, with at least monthly accounting to the County showing all disbursements made.

IX. Confidentiality. ~~A protective order will be sought to maintain the confidentiality of personal and/or private information of claimants and other individuals~~

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mentioned in or who submit evidence in support of claimants' applications, as well as confidential documents from the U.S. Department of Homeland Security (DHS) and its components. Claim forms, with personal information (home addresses, telephone numbers, email addresses, Social Security numbers) redacted, along with the amount paid to successful claimants, are subject to disclosure pursuant to Arizona's public records laws. Defendants cannot guarantee, however, that other information in claimants' case files will not be required to be disclosed to someone who successfully sues for that information.

- X. **Program Reporting.** BrownGreer will create an online reporting portal where the parties can access claim tracking and processing information, including processing times, and create downloadable reports. BrownGreer will also be available to directly provide any reports to the Court, if necessary, at no additional cost.
- XI. **Attorneys' Fees.** If claimant successfully pursues compensation through the use of an attorney, that attorney will be entitled to fees, not to exceed \$750, and not more than the amount the claim award. A major purpose of this optional process is to make it sufficiently user-friendly that claimants can realistically determine in many cases that they do not need to be represented by counsel. If they nevertheless decide to retain counsel to advise and/or represent them in this process, they should also assume the responsibility for paying the fees of such counsel.

EXHIBIT B

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May 20, 2016

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RE: *Melendres v. Arpaio*, Case No. 2:07-CV-02513-GMS.

Dear Counsel:

As all of you are aware, Judge Snow issued his 162 pages of findings in the above-captioned matter ("*Melendres*") on Friday, May 13, 2016, in which he found that Sheriff Joseph Arpaio, Chief Deputy Gerard Sheridan, former Executive Chief Brian Sands, and Lieutenant Joseph Sousa had engaged in acts and/or omissions constituting civil contempt of court. In several of the court's findings, Judge Snow concluded that the acts he had found to have been contemptuous had been willful and/or intentional. In some instances, the court also found that conduct the Judge had found to have been contemptuous had been undertaken to advance Sheriff Arpaio's political aspirations.

The purpose of this letter is to share with all of you, along with your respective clients, issues pertaining to financial consequences flowing from remedies that may be imposed to address the effects of what Judge Snow has found to be contemptuous conduct. Although Maricopa

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County's response to Judge Snow's Findings has yet to be drafted and no final decisions have been made as to its contents, the issues outlined below are likely to figure in the County's response.

Most courts that have considered the question of *respondeat superior* liability under Arizona law, including the federal courts, have concluded that Arizona counties' lack of control over sheriffs in their performance of statutorily-mandated law enforcement duties precludes county liability for the tortious acts of sheriffs and their deputies. *See, e.g., Kloberdanz v. Arpaio*, 2014 WL 309078, *3-4 (D. Ariz. 2014); *Stricker v. Yavapai County*, 2012 WL 5031484, *3 (D. Ariz. 2012) (County not liable for acts of physical abuse by Sheriff's deputies because claim arose out of deputies' law enforcement duties); *Nevels v. Maricopa County*, 2012 WL 1623217, *3 (D. Ariz. 2012); *Guillory v. Greenlee County*, CV05-352TUC DCB, 2006 WL 2816600, at *12 (D. Ariz. Sept. 28, 2006) ("Under A.R.S. § 11-251, the Greenlee County Board of Supervisors' powers and duties to supervise its county officers, including the Sheriff, does not extend to having control over the Sheriff in the exercise of statutorily mandated duties, and therefore, the doctrine of *respondeat superior* does not apply to impose liability on the County."); *see also Fridena v. Maricopa County*, 18 Ariz. App. 527, 530, 504 P.2d 58, 61 (1972) (citation omitted) (County, "having no right of control over the Sheriff or his deputies in service of [a] writ of restitution, [could] not [be held] liable under the doctrine of *respondeat superior* for the Sheriff's torts.").

In addition, A.R.S. § 11-981(A) provides authority for certain of Arizona's counties to purchase insurance, or to establish self-insurance arrangements to provide coverage for specified loss contingencies. A.R.S. § 11-981(A)(2) authorizes, in pertinent part, such insurance or self-insurance arrangements to provide "[p]ayment of any property loss sustained or lawful claim of liability or fortuitous loss made against the . . . county . . . or its elected or appointed officials, employees or officers if such elected or appointed official, employees or officers are acting within the scope of employment or authority." A.R.S. § 11-981(B)(4) further provides that those counties with self-insurance trust funds may "[n]ot make any expenditure from the trust fund for any purpose not specified in this article."

It is at least arguable that, under controlling Arizona law, willful and/or intentional contemptuous conduct is not within "the scope of employment or authority" of County officials and employees. It also seems likely courts construing and applying Arizona law would find that there can be no *respondeat superior* liability for Arizona's counties for any such conduct.

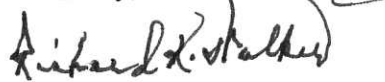
Please be advised that, to the extent Judge Snow imposes measures in *Melendres* designed to remedy willful and/or intentional violations of the court's orders, the issues described above may require the County to take the position that it cannot be found liable for the financial consequences of such remedies. As all of you are aware, during the contempt proceedings, I informed the court on several occasions that the County's financial responsibility might not extend

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to the financial consequences flowing from willful and/or intentional misconduct. While I am unable to say at this point what ultimate conclusion will be reached by the County on this subject, I did want to let all of you know in advance that it is likely to be necessary for the County to apprise the court in its response to Judge Snow's May 13 Findings of these issues. That said, the County's ultimate position on whether it can be held responsible for the financial consequences of particular remedies will necessarily entail an objective assessment of the accuracy of the court's findings with respect to willful and/or intentional misconduct based on all the evidence available.

If you have questions or would like to discuss anything related to this, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard K. Walker", with a stylized flourish extending from the end.

Richard K. Walker

RKW:mmg

EXHIBIT C

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June 2, 2015

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**Re: Arpaio, et al. adv. Melendres, et al.
US District Court Case No. 2:07-CV-02513-GMS**

Dear Stan:

This is further to our recent conversation regarding the question of whether the *Melendres* Plaintiffs/Appellees would support, or at least not oppose, the Petition for Panel Rehearing and En Banc Determination filed by Maricopa County on May 15, 2015 in the *Melendres* appeal in the Ninth Circuit (C.A. Nos. 13-16285 and 13-17238). When we spoke, you indicated that an important consideration from your perspective would be whether Maricopa County (i.e., the Board of Supervisors) ("the County") would, if the Ninth Circuit were to reverse its decision ordering that the County be joined as a party litigant, continue to fund the costs of remedial measures ordered by the courts. I have recently had the opportunity to discuss this question with the Board of Supervisors, and I have an answer to the question you raised.

As you and I discussed during our telephone conversation about this, the Board of Supervisors is obligated by statute to provide funding for all "actual and necessary expenses incurred by the sheriff in pursuit of criminals, [and] for transacting all civil or criminal business" A.R.S. § 11-444(A). I am authorized to advise you that the Maricopa County Board of Supervisors understands this provision to require it to supply adequate funding for reasonable and necessary expenses incurred by Sheriff Arpaio and the Maricopa County Sheriff's Office ("MCSO") in effecting compliance with the orders of the trial court in *Melendres*, except to the extent such orders are overruled or modified on appeal, and with a couple of caveats.

First, pursuant to its fiduciary duties to the Maricopa County taxpayers, the Board of Supervisors must reserve the right to question any expenses it considers to be extravagant, unnecessary, or otherwise unnecessary to the attainment of objectives set forth in the court's orders. As you are no doubt aware, the Board of Supervisors has an established track record in this case of providing funding for compliance with the court's orders in this case, and confining its objections to those relatively rare occasions when it appears necessary to avoid the imposition of undue and unwarranted costs on the taxpayers. This has been done when the County was not a party litigant, and it will continue if the Ninth Circuit restores the County's non-party status.

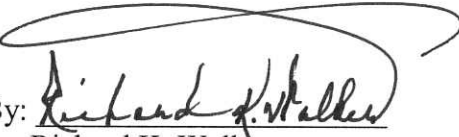
The second caveat pertains, as I mentioned during our telephone conversation, to costs associated with any orders issued by the court to remedy willful violations, if any, of the court's lawful orders. Your clients are currently contending that there have been some willful violations by the Sheriff and others at MCSO, and we are in the midst of contempt proceedings in which those contentions are being litigated. Whether the Board of Supervisors has a legal obligation to fund remedies addressing willful contempt if any is found to have occurred and, if such an obligation exists, what the extent of that obligation may be, are issues that are unclear under Arizona law, and research on this question is on-going. This caveat would not apply, however, to remedial measures, whether or not based on findings of willfully contemptuous conduct, designed to compensate individuals whose rights were violated as a result of detentions incident to traffic stops conducted in violation of the court's preliminary injunction.

In any event, as I suggested to you during our telephone conversation, the answer to the question of whether the County is required to fund remedial measures imposed as a result of any willful contempt is immaterial to your clients. It is the County's position that this is not a question of *whether* funding will be provided for such remedial measures (assuming associated costs are legitimate, reasonable, and necessary), but rather one of the *source* for such funding. If the County determines that it is not legally obligated to pay for remedial measures necessitated by willful contempt and chooses not to provide such funding, it will simply mean that the Sheriff and any other MCSO employees found to have wilfully disobeyed the court without legal justification would be required to obtain funds for such measures from other sources available to them.

Plaintiffs are on record as stating in this case that the County "is not a necessary party . . . for obtaining complete relief sought . . ." (Doc. 178 at 3.) Despite all that has happened in the *Melendres* case since Plaintiff embraced that position, no one from your side ever suggested, right up through the issuance of the panel's decision on April 15, 2015, that anything had changed in this regard. In light of the foregoing, I hope that you can agree that Plaintiffs' interests are best served by joining in, or at least not opposing, the arguments advanced in the County's May 15 Petition. If you have any questions or would like to discuss anything related to the issues addressed in this letter, please feel free to contact me.

Sincerely,

WALKER & PESKIND, PLLC

By: 

Richard K. Walker

Counsel for Maricopa County, Arizona