

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

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2			
3	Manuel de Jesus Ortega Melendres,	)	CV-07-2513-PHX-GMS
4	<i>et al.</i> ,	)	
5		)	<b>DECLARATION OF CECILLIA</b>
6	Plaintiffs,	)	<b>WANG IN SUPPORT OF</b>
7		)	<b>PLAINTIFFS' RESPONSE IN</b>
8	v.	)	<b>OPPOSITION TO SHERIFF</b>
9		)	<b>ARPAIO AND CHIEF DEPUTY</b>
10	Joseph M. Arpaio, <i>et al.</i> ,	)	<b>SHERIDAN'S MOTION</b>
11		)	<b>FOR RECUSAL OR</b>
12	Defendants.	)	<b>DISQUALIFICATION OF</b>
13		)	<b>THE COURT</b>
14		)	
15		)	<b>[UNDER SEAL]</b>

I, Cecillia D. Wang, declare as follows:

1. I am an attorney admitted to practice in California and New York and in numerous federal courts and have been admitted *pro hac vice* to represent the Plaintiffs in this matter. I am the Director of the American Civil Liberties Union Foundation Immigrants' Rights Project. I make the following declaration based on my personal knowledge, except where indicated.

2. I make this declaration in support of the Plaintiffs' Response in Opposition to Sheriff Arpaio and Chief Deputy Sheridan's Motion for Recusal or Disqualification of the Court.

3. Attached hereto as Exhibit A is a document that was introduced by the Court as Exhibit 522 during the evidentiary hearing in this matter, on April 23, 2015. It is an article by Stephen Lemons published in the *Phoenix New Times* on June 4, 2014, entitled "Joe Arpaio's Investigating Federal Judge G. Murray Snow, DOJ, Sources Say, and Using a Seattle Scammer To Do It." Exhibit A is a photocopy of the original document that was handed to me and to defense counsel by the courtroom deputy. It bears my

1 contemporaneous, handwritten notation of the announced exhibit number,  
2 522.

3 4. On May 6, 2015, Defendants produced documents to Plaintiffs  
4 on an attorneys'-eyes-only basis. Exhibits B-F, attached hereto, were among  
5 those documents. I am submitting Exhibits B-F under seal, with redacted  
6 copies in the publicly filed version of this Declaration.

7 a. Attached hereto as Exhibit B is an email chain with the  
8 top-most email dated June 29, 2014, from "David Webb"  
9 to 1tick@earthlink.net, Bates-stamped MELC202132.

10 b. Attached hereto as Exhibit C is an email chain with the  
11 top-most email dated November 7, 2014, from Brian  
12 Mackiewicz to Larry Klayman, Bates-stamped  
13 MELC202173-75.

14 c. Attached hereto as Exhibit D is a December 9, 2014  
15 email from "Mike" to detmack@gmail.com, Bates-  
16 stamped MELC202048.

17 d. Attached hereto as Exhibit E is an email chain with the  
18 top-most email dated April 20, 2015, from Larry  
19 Klayman to Michael Zullo, Bates stamped  
20 MELC202142-45.

21 e. Attached hereto as Exhibit F is a document entitled "Joe  
22 Arpaio Brief/Timeline," Bates stamped MELC199917-  
23 35.  
24

25 5. Attached hereto as Exhibit G is an email chain with the top-most  
26 email dated May 27, 2015, from the Court-appointed Monitor, Robert  
27 Warshaw, to me and to Defendants' counsel Michele Iafrate and Richard  
28 Walker. Exhibit G also includes an attachment to Chief Warshaw's email, a

1 letter dated May 22, 2015 from Michelle Iafrate to Robert Warshaw. In the  
2 letter and in the email exchange, Ms. Iafrate took the position that the entire  
3 litigation and all actions by the Monitor were stayed pending a decision on the  
4 instant Motion to Recuse.

5 6. Attached hereto as Exhibit H is a true and correct copy of an  
6 article, Stephen Lemons, Arpaio's Desperation Move: Lawyers Move To  
7 Disqualify Judge Snow, *Phoenix New Times* May 22, 2015. I obtained this  
8 copy from the *Phoenix New Times* website at  
9 [http://www.phoenixnewtimes.com/news/arpaios-desperation-move-lawyers-](http://www.phoenixnewtimes.com/news/arpaios-desperation-move-lawyers-move-to-disqualify-judge-snow-7352908)  
10 [move-to-disqualify-judge-snow-7352908](http://www.phoenixnewtimes.com/news/arpaios-desperation-move-lawyers-move-to-disqualify-judge-snow-7352908). The article quotes specially  
11 appearing counsel for the Sheriff in April 2015:  
12

13 I've heard comment or commentary from so-called lawyer experts,  
14 saying, "Gee, the judge should recuse himself," McDonald stated.  
15 That's ridiculous, of course he shouldn't! People suggest we should  
now get rid of Judge Snow. Why? It was an inquiry. It ended there. It  
was not any kind of a witch hunt. Case closed.

16 The online version of this article includes a link to an audio recording of  
17 counsel's statement.

18 I hereby declare that the foregoing is true and correct under penalty of  
19 perjury pursuant to 28 U.S.C. § 1746.

20 Executed at San Francisco, California this 12th day of June, 2015.

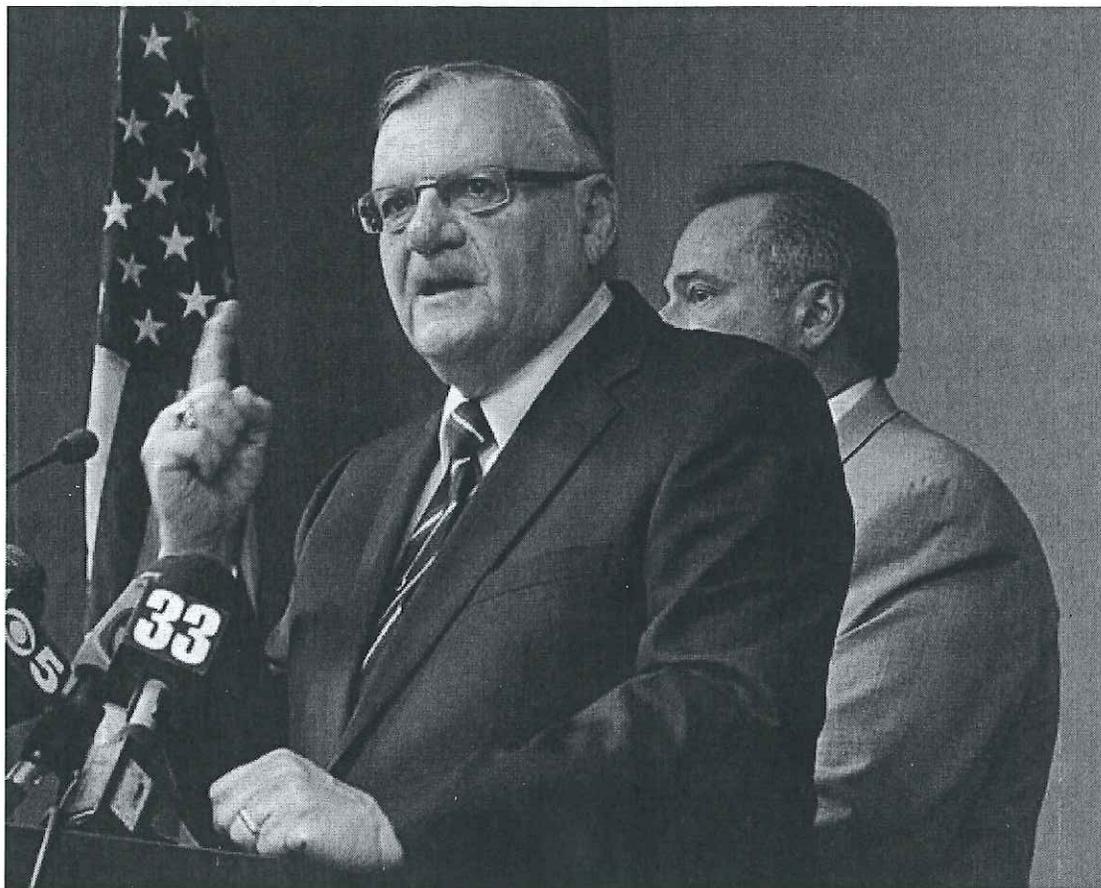
21  
22 /s/ Cecillia D. Wang  
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# Exhibit A

# Joe Arpaio's Investigating Federal Judge G. Murray Snow, DOJ, Sources Say, and Using a Seattle Scammer To Do It

By Stephen Lemons

Published Wed., Jun. 4 2014 at 1:18 PM



AP Photo/Matt York

Sheriff Joe Arpaio, during a 2012 press conference about his ludicrous birther investigation

The most revealing part of Phoenix filmmaker Randy Murray's recent documentary *The Joe Show* was a strategy meeting during Sheriff Joe Arpaio's 2012 re-election campaign that included Arpaio, his top flack, Lisa Allen, Chief Deputy Jerry Sheridan, and campaign manager Chad Willems.

The group huddled in the back of a Fountain Hills restaurant to discuss how to spin Joe's

negatives -- the misspending of more than \$100 million, the deaths in the jails, the scores of millions in lawsuit payouts -- for the public.

At some point, Arpaio's "birther" investigation came up. You know, the one in which President Barack Obama's birth certificate gets investigated by both the Maricopa County Sheriff's Office's Cold Case Posse, a nonprofit organization, and MCSO Deputy Brian Mackiewicz, whom Arpaio flew to Hawaii as part of this snipe hunt, at a cost of nearly \$10,000 to taxpayers.

Arpaio's March 2012 press conference -- in which the sheriff and the Cold Case Posse's "lead investigator," ex-used-car salesman Mike Zullo, declared Obama's birth certificate to be a forgery -- was in the planning stage when the scene was filmed.

At the mere mention of the birther investigation and the future press event, Allen and Willems practically rolled their eyes.

Willems called the birther probe "nuts."

Allen said the sheriff might as well go the press conference "in big ol' clown shoes."  
Arpaio shrugged, literally.

"There ain't gonna be no damage control," Arpaio promised Willems. "You'll get more money [in campaign contributions] than you'll know what to do with."

Wilder than the cartoon coyote, Arpaio had tapped into a nationwide right-wing anti-government, anti-Obama feeding frenzy with his birther probe and with his tirades against the U.S. Department of Justice, which was investigating him for abuse of power and other issues and is now suing him in federal court.

"The DOJ is a hot item everywhere," Joe told his flunkies.

See, whenever Arpaio's never-ending political campaign sends out an e-mail blast begging for loot from Obama-haters, it reels in contributions from retired, far-right ofays all over the country.

Willems essentially admitted as much in another scene from the film.

"Now, with Arpaio going to battle with Barack Obama," Willems said, "it's meant literally millions of dollars for his campaign."

As everybody knows, Arpaio was re-elected in 2012, but the investigation into Obama's birth certificate continues apace, according to both Arpaio and Cold Case Posse "commander" Zullo.

At the beginning of May, Arpaio mentioned the birther probe during a speech before a group of Silicon Valley conservatives.

Around the same time, he appeared on *The Right Side*, a conservative cable-access show in Mountain View, California. He told host Chris Pareja that the inquiry into Obama's birth certificate was going strong.

"I'm not done with that yet," Arpaio insisted. "People think I surrendered. No . . . I'm trying to find out who's behind it now. That's the key. You can always have a crime to investigate, but I think you would like to know who did it."

The sheriff said he was after whoever created this "forged, fraudulent document," meaning a computer scan of the president's long-form birth certificate, released by the White House in April 2011.

Arpaio's statements have paralleled assurances from Zullo during periodic interviews with Florida pastor/radio host Carl Gallups that new revelations concerning the Obama birth certificate are on the way.

Critics of birthers regularly mock Zullo's vague pronouncements on Gallups' show as never resulting in any "new" finds.

Why, even the information disclosed during Arpaio's two birther-themed press conferences in 2012 were a rehash of debunked conspiracy theories.

But during a February interview with Gallups, Zullo caused an Internet kerfuffle when he told Gallups' audience that there were now two investigations: the original birther one and an offshoot of the birther probe, this one a criminal investigation.

Moreover, the second investigation was using two MCSO detectives and, presumably, county money.

"I don't know how this is all going to play out," Zullo said. "I know that [in] the criminal investigation that we're working on now, Sheriff Arpaio has dedicated resources and two full-time Maricopa County Sheriff's Office detectives."

He added, "These are seasoned pros [who] are working this. These are the guys that go hunt down the really bad guys."

Zullo promised to release "universe-shattering" results of these investigations in March, a deadline Zullo since has extended indefinitely.

Blogger Mitch Martinson of arizonapolitics.com was the first to query the MCSO on Zullo's claim, and the first to report that Sheriff's Office spokesman Brandon Jones kinda-sorta had confirmed it.

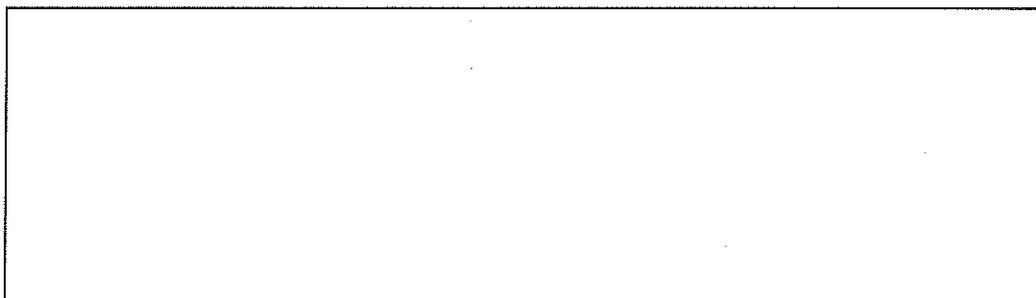
"We have two sheriff's detectives assigned to look into other issues surrounding the birth certificate," Jones told Martinson, in a blog item posted February 10. "However, they are not investigating the birth certificate issue itself."

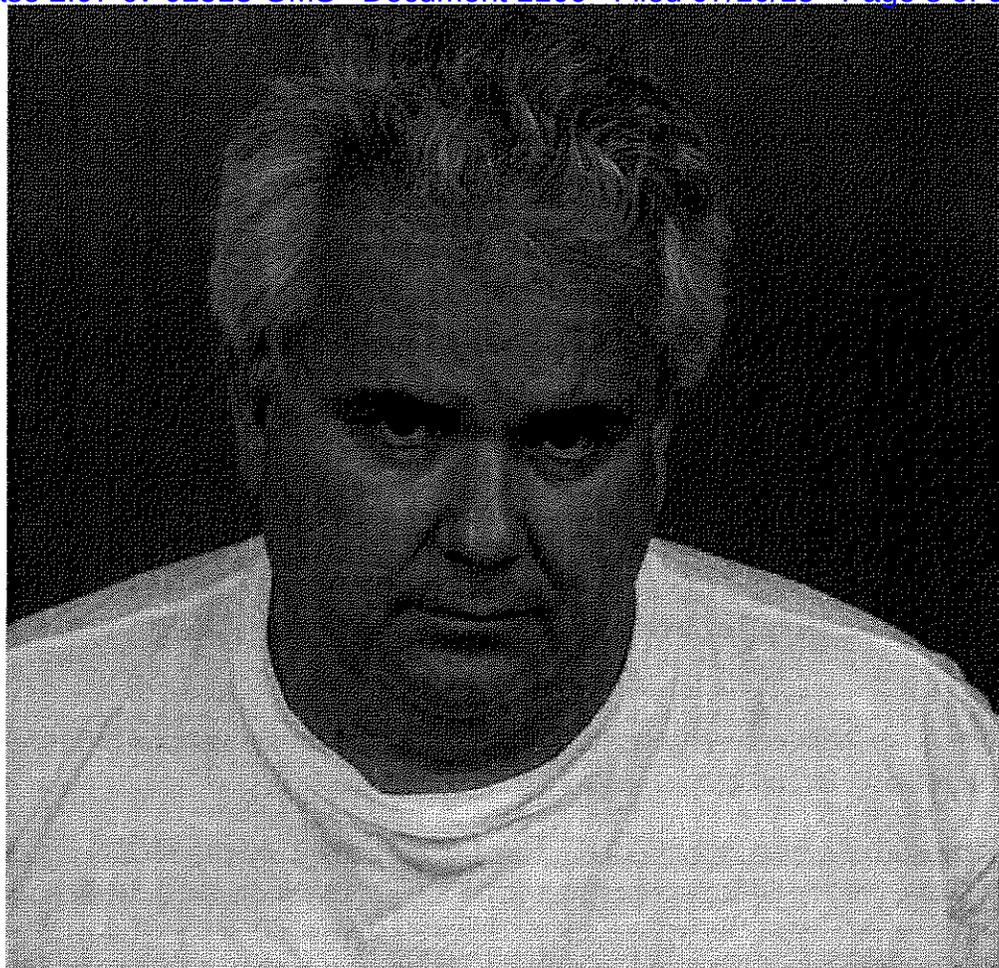
Later, Jones walked back his comments to Martinson, sending the blogger an e-mail, which Martinson used in a screen shot to a follow-up post.

"Mitch, I was misinformed," Jones stated. "The detectives are not working on anything regarding the birth certificate. Not even surrounding. Mr. Zullo was incorrect: They are working on other serious cases not even related."

Who were these two detectives, what were they up to, and why is Zullo, a mere posse member, privy to it?

Based on information given to me by longtime sources, the two detectives mentioned are Brian Mackiewicz, the same deputy who made a taxpayer-funded run to Hawaii in May 2012, and Sergeant Travis Anglin, once a lieutenant with the notorious Maricopa Anti-Corruption Effort who was demoted after an MCSO investigation into his private security company and its use of MCSO detectives.





Riverside County Sheriff's Department

Dennis Montgomery, in a mugshot from a 2009 arrest

My sources -- one of whom is a former detective with the MCSO's Special Investigations Division and is well-acquainted with SID and those in it -- say Anglin and Mackiewicz were involved in an odd investigation dating back to October 2013.

Moreover, they say, the deputies have used as a confidential informant a notorious scammer in the Seattle area.

What have they been investigating? According to my sources, Mackiewicz, Anglin, and the informant are focused on U.S. District Court Judge G. Murray Snow, the Justice Department, and a bizarre conspiracy theory that the DOJ and Snow have conspired to somehow "get" Joe Arpaio.

The person who purportedly convinced Arapio of this paranoid fantasy, the sources say, is computer fraudster Dennis L. Montgomery, the subject of a 2010 Playboy exposé titled "The Man Who Conned the Pentagon."

In that article, investigative reporter Aram Roston detailed how, in the wake of the 9/11 attacks, Montgomery snookered the CIA, the White House, the Department of Homeland Security, and the Air Force into believing he had software that could decode secret messages to terrorists, supposedly embedded in broadcasts of the Al Jazeera Media Network.

As crazy as this now sounds, Roston, using unsealed court documents, reported that eTrepid Technologies, the Nevada software company Montgomery co-owned, scored multimillion-dollar

contracts for computer software touted by Montgomery.

In fact, Roston wrote, the United States went to Code Orange, the DHS' second-highest terror alert, in 2003 based on data supplied to the CIA by Montgomery.

International flights were delayed, sometimes canceled, because of Montgomery's work. Based on Montgomery's "intelligence gathering," Homeland Security Secretary Tom Ridge told reporters at the time about the threat of "near-term attacks" that could "rival or exceed" those of 9/11.

"Montgomery calls the work he was doing noise filtering," Roston wrote. "He was churning out reams of data he called output. It consisted of latitudes and longitudes and flight numbers."

This data was given to then-CIA Director George Tenet, according to Roston, and "eventually ended up in the White House."

There was one big problem, Roston reported: "The communications Montgomery said he was decrypting apparently didn't exist."

Roston wrote that Montgomery's eTreppid colleagues questioned his computer skills. Company employees also claimed that Montgomery had faked demonstrations of weapons-recognition software for representatives of the U.S. military.

With the help of a "branch of the French intelligence services," the CIA finally got wise to Montgomery, realizing that there were no secret messages to bad guys in the Al Jazeera broadcasts.

Montgomery left eTreppid, wrote Roston, and went on to work for software companies backed by a wealthy heiress; to accuse Nevada Governor Jim Gibbons of taking a bribe (Gibbons later was cleared of wrongdoing); to lose big at a Rancho Mirage, California casino (\$422,000 in one day); and to declare bankruptcy.

Now, Montgomery lives in Yarrow Point, Washington, a short drive from downtown Seattle. My sources report that MCSO detectives Anglin and Mackiewicz have spent a lot of time this year in Seattle with Montgomery, who, the sources say, has convinced the sheriff that he has information suggesting an anti-Arpaio conspiracy between Judge Snow and the DOJ.

These sources say there is no report number assigned to the case, that Arpaio himself is running it, and that the investigation has been financed with funds for confidential informants, RICO funds.

Montgomery has been assigned a "confidential informant number" or "control number," the identity of which is known only to Arpaio, a few MCSO brass, and those in Special Investigations, according to my sources, who claim Montgomery has been paid about \$100,000 to date by the MCSO.

The situation gives Arpaio and the MCSO a degree of deniability because the department is allowed to keep the identities of confidential informants secret in most instances.

Though there should be MCSO paperwork associated with such payments, it would show a payment to a control number, not a name.

The MCSO's official policy on "informant management" states that control numbers must be maintained in a confidential-informant log "monitored by the [Special Investigations Division] commander or his designee."

It further states that all informant files be kept in a "secured area within the SID."

The policy notes that the MCSO "will protect these sources through all available and reasonable legal means."

Such "informant files" are retained as "permanent records" of SID, "unless the division commander determines that the records may be purged."

My sources say Mackiewicz has received, to date, \$50,000 in overtime pay and Zullo has gotten about \$5,000 in payments.

Zullo's role is unclear, though he currently is involved in the investigation, according to these sources, as well as the perpetual birther probe.

Additionally, they say the MCSO made about a \$50,000 purchase of computer equipment for Montgomery sometime this year from a store in Washington state.

According to the MCSO's policy regarding "Undercover and Investigative Funds Accountability," an expenditure of up to \$6,000 for undercover and investigative work can be approved by a division commander.

Anything over \$6,000 must be approved by a bureau commander.

As for funds specifically paid to confidential informants, the reins are even tighter.

Payments to a CI of more than \$300 must be approved by a division commander "prior to the expenditure of the funds," according to the MCSO's informant-management policy.

The amount of money involved in detectives Anglin and Mackiewicz's Seattle quest has raised red flags with MCSO accountants, I've been told.

These same MCSO accountants reportedly have expressed concern internally about the procurement of the computer equipment, excessive CI payments, the amount of overtime involved, and the money spent on airfare and stays in Seattle.

In several broadly worded public-records requests sent to the MCSO in February, I asked for any and all e-mails traded among the players involved, as well as any and all records regarding MCSO employees' trips to Seattle, payments of informant funds to Dennis Montgomery, and Mackiewicz's overtime requests.

In each case, I was advised by MCSO spokesman Jones that "this is an ongoing investigation . . . no records can be released at this time."

In March, I called Zullo at his home phone number. I asked him about the work he was said to be doing with Montgomery.

He claimed not to know what I was talking about. When I pressed him, he said all such inquiries should go through the MCSO.

"I have no comment to make, especially to the *New Times*," he told me before hanging up.

The opportunity to question Arpaio about the Montgomery caper came as he munched on cheese at a recent fundraiser for embattled Arizona Attorney General Tom Horne at the University Club in

Phoenix.

I asked the sheriff about Montgomery and the work that my sources tell me he has done for the MCSO.

At first, he played dumb, asking if I meant County Attorney Bill Montgomery.

"No, *Dennis* Montgomery," I replied. "The computer guy in Seattle who is helping you investigate Judge Snow and the DOJ. You are investigating Snow and the DOJ, aren't you?"

As he hit the cheese platter again, Arpaio looked over his shoulder at me with a grin. But he said nothing.

I kept after him, asking why deputies Mackiewicz and Anglin had spent so much time in Seattle.

"I dunno, maybe they like the weather up there," he said over his shoulder, "or the snow crab."

True to form, the sheriff was cagey, but there was no denial.

The ex-Special Investigations source I know tells me that the joke around Arpaio's office is that Montgomery's referred to as "Snowden," after Edward Snowden, the American computer geek responsible for a massive 2013 leak of classified documents from the National Security Agency that exposed Orwellian surveillance programs run by the U.S. government.

"[Montgomery] says he worked for the CIA on a project called Hammer [and] collected data similar to Snowden's," the source says. "[Montgomery] claims he can prove there was a conspiracy between [U.S. Attorney General] Eric Holder and Judge Snow . . . a conspiracy against Arpaio."

Montgomery, who is middle-aged and stocky with a shock of white hair, is no Snowden. Whatever you think of Snowden, at least the information he released generally has been confirmed as legitimate.

As with the gibberish Montgomery reportedly gave the CIA in the early 2000s, he has, according to my sources, produced many printouts for the MCSO that seem off point, with dates going back to 1999 and earlier.

Obviously, that's long before Arpaio took up the cause of illegal immigration, long before he was investigated or sued by the DOJ, and long before he became the subject of the ACLU's big racial profiling lawsuit *Melendres v. Arpaio*.

One source informs me that at least one underling told Arpaio recently that what Montgomery provided the MCSO is worthless, that Joe is getting played -- which caused the sheriff to erupt into a fit of anger.

When Montgomery was approached by a freelance reporter on behalf of *New Times* in April, he was nonplussed.

Montgomery came to the door of his Yarrow Point home, a cell phone at his ear, talking to someone about computer equipment.

The reporter identified himself, and Montgomery asked for a card, which the reporter presented.

"I really don't wanna talk to you," Montgomery said, ending his call.

"Okay, about Phoenix . . .," the reporter began.

"No comment," Montgomery shot back.

"Arizona . . .," the reporter started again.

"No comment," Montgomery repeated. "Who sent you up here?"

"*Phoenix New Times*," the reporter explained.

"Yeah," growled Montgomery.

"Have you done any work for Joe Arpaio?" the reporter asked.

"I, I, I have no comment," Montgomery said, moving away. "I'll call you later. I'll think about it."

Montgomery went back into his house and shut the door, ending the conversation on a mysterious note. As with Arpaio, there was no denial.

Is Dennis Montgomery Joe Arpaio's Snowden? I cannot say absolutely.

But it's not far-fetched to think that Arpaio would investigate any powerful public official. He continues to investigate the president. He and now-disbarred former County Attorney Andrew Thomas investigated Superior Court judges perceived to be thwarting their anti-undocumented-immigrant policies.

That is, it fits a pattern cultivated over his reign of more than 20 years.

Among Arpaio's bogus investigations have been:

- One targeting former Arizona Attorney General Terry Goddard for alleged bribery. The probe began in 2007 and didn't seem to end until Goddard left office.
- One that brought the 2008 indictment of then-county Supervisor Don Stapley on 118 criminal counts related to his allegedly not properly disclosing sources of income. All counts were dismissed ultimately.
- An infamous December 2009 RICO suit brought by Arpaio and Thomas against the entire Board of Supervisors, various county employees and certain Superior Court judges. Supposedly, they all were part of a conspiracy involving the county's new court tower. The suit was a disaster that finally got dismissed by Thomas himself.
- A probe resulting in the filing of false bribery charges in 2009 against former Superior Court Judge Gary Donahoe. Arpaio and Thomas ginned up these charges as retaliation against Donahoe for adverse rulings and to make Donahoe vacate a hearing that Arpaio and Thomas didn't want to take place.

And now Judge Snow, who in 2013 found the MCSO guilty of racial profiling and assigned a monitor to make certain that Arpaio was obeying court orders on reforming and re-educating deputies so that the agency does not profile Latinos or any other minority again?

As for Holder, the DOJ remains engaged in a lawsuit accusing Arpaio of abuse of power and prejudiced policing.

At age 82, the sheriff faces the ignominy of ending his law enforcement career as a disgraced political colossus.

All -- in his mind -- because of Snow and the DOJ.

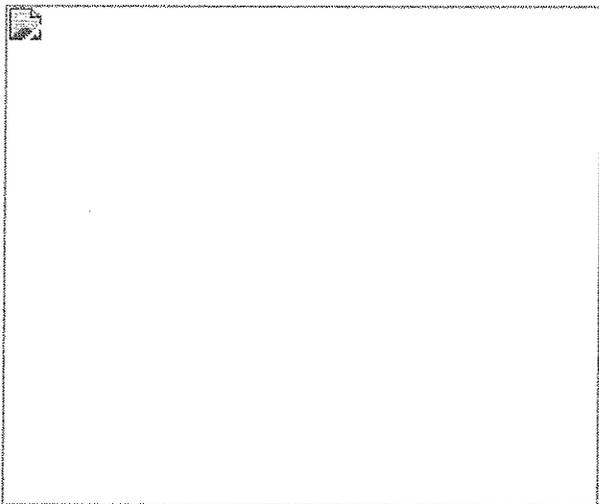
Why not attempt an investigation aimed at discrediting his perceived nemeses?

Though there never will be any pink handcuffs in Snow's or Holder's future, Arpaio's racist, wing-nut supporters would consider it an act of bravery that their hero is investigating federal officials getting in the way of keeping despised Latinos in their place.

Meaning more money in the sheriff's perpetual re-election kitty and proving that bogus investigations continue to pay off.

My dream, of course, is that Snow blows a gasket and perp-walks the aged autocrat. We'll see.

***Rick Anderson in Seattle contributed to this story.***



# Exhibit B

**From:** [David Webb](mailto:David.Webb)  
**To:** [1tick@earthlink.net](mailto:1tick@earthlink.net)  
**Subject:** PROJECT  
**Date:** Sunday, June 29, 2014 12:11:26 PM

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**From:** Dennis [mailto:dennis@ncoder.net]  
**Sent:** Sunday, June 29, 2014 12:08 PM  
**To:** dwebb605@gmail.com  
**Subject:** PROJECT

It is obvious that Anglin and his superiors have been trying to shut this project down since its inception. On one hand Anglin tells not to produce information on Judge SNOW. Then I am attacked for not producing information on Judge SNOW. Too many mixed signals from Anglin. This job is tough enough, but Anglin telling me not me not to share information with others until he gets the information was outrageous. Who was I supposed to trust?

Brian has to take orders from his superiors. Brian has never stop believing in me or the work. I can assure you Brian was getting the same mixed messages I was. But he must follow the orders of his superiors to survive in MCSO. He has taken a lot of time from his family, and for that I am sorry.

Anglin told by me that Sheridan didn't want to go in front of Judge Snow and be accused of retaliating against the judge.

ANGLIN told me stop work on the BC day one, He told me never to trust Mike Zullo. I was told directly by Anglin not to pass information on to Mike Zullo.

I was not allowed to discuss with Mike zullo what I am being told to do or not to do.

I was setup to fail. To ensure I failed, Anglin or his superiors fed false information to the NEW PHOENIX TIMES. When that failed, I was hit with the SEATTLE WEEKLY news article. I had a stroke, and was in ICU when they article was released.

Anglin would not talk to Carl Cameron in front of me. He knew that promising to deliver data to FOX, and then not do it, would hurt me with FOX. He accomplished his goal. Anglin or his superiors then fed false information again to the New Phoenix Times to discredit the data, adding more doubt into Carl Cameron's mind. Carl Cameron's recent email says it all.

I worked hard to gain credibility with FOXNEWS. Anglin's plan to destroy my credibility with FOXNEWS succeeded. Now there is doubt in FOXNEWS about the validity of my accusations I filed with the CIA and DOJ. I now have a much higher hurdle to overcome with them to regain my redibility.

I will bet you the next article in the New Phoenix Times will be on Brian, to hurt him and kill this project.

I had no chance to succeed. Obviously some people in MCSO wanted for political reasons to use my work to hurt the sheriff.

I can assure you that I have had only one goal since I began this work, and that was to get the work done!

**MELC202132**

# Exhibit C

From: [Brian Mackiewicz](#)  
To: [Larry Klayman](#)  
Cc: [Michael Zullo](#); [David Webb](#); [Dina James](#)  
Subject: Re: DC  
Date: Friday, November 07, 2014 7:55:19 AM

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Gentleman,

Good morning. Wanted to update everyone on the progress of this investigation. Significant information was learned yesterday concerning the approximately 50 hard drives Dennis Montgomery provided as evidence to the Maricopa County Sheriff's Office in April of 2014.

Dennis Montgomery represented the hard drives contained classified and sensitive information that he obtained while working at either eTrepid, or Blixware on behalf of federal government as a CIA contractor.

When our experts examined the information contained on the drives, not only did the numerous drives NOT contain any classified or sensitive information, they were instead contained data dumps of you relevant computer information hours off video feeds for Al Jazeera news feed.

After reviewing all the hard drives our experts concluded that Dennis Montgomery deliberately compiled massive amounts of data on to these drives for the purpose of obfuscating the fact the data itself contained no evidence to support Dennis Montgomery's claims. There was no sensitive information contained on any of these 50 hard drives.

In addition, our experts brought question in the validity concerning a number of emails Dennis Montgomery provided in the same hard drives.

Our experts also determined that much of the information that Dennis Montgomery has alleged that was harvested by the federal government in violation of the fourth amendment protections cannot be sourced for validity based on the information contained in the 50 hard drives Dennis Montgomery provided.

Two days worth of email correspondence and telephone calls to Dennis Montgomery advising him all is required of him is to cooperate and provide all source information supporting his allegations would remedy his situation immediately. He has refused. I should add he refuses while at the same time professing to want to cooperate.

At this juncture, after a 13 month investigation, Maricopa County Sheriffs office CANNOT validate the credibility of Dennis Montgomery and or his work without his full and candid cooperation in supplying the necessary evidence for our experts to substantiate his work and deem it authentic and creditable.

Dennis Montgomery is leaving us no other alternative but to take this investigation in a completely different course going forward.

It is extremely discouraging to learn most if not all the representations made by Dennis Montgomery to investigators, the State of Arizona Attorney General, and a Federal Judge have been less than truthful.

Mr. Klayman, if you can represent to me Dennis Montgomery's intentions of cooperating fully, candidly, without obstruction or obfuscation, perhaps we can bring this investigation to a successful conclusion for all parties concerned. Please advise me immediately.

Sent from my iPad

On Nov 3, 2014, at 1:20 PM, Larry Klayman <[leklayman@gmail.com](mailto:leklayman@gmail.com)> wrote:

I don't appreciate your games...there would be no judge if not for me. I suggest you do not mess with Lamberth. There is no reason to do so at this time and your games are just to squeeze Dennis through me. I don't appreciate being played.

I am preparing for an oral argument for the NSA case and these tactics are offensive at this time in particular.

On Nov 3, 2014 11:35 AM, "Brian Mackiewicz" <[detmack@gmail.com](mailto:detmack@gmail.com)> wrote:

Larry,  
Pardon me I included you out of courtesy. No worries point taken and I will exclude you from all other communications, between our confidential informant and the judge going forward. That is to include what path this investigation takes going forward. Have a wonderful day. Good luck in your argument.

Sent from my iPhone

On Nov 3, 2014, at 10:25, Larry Klayman <[leklayman@gmail.com](mailto:leklayman@gmail.com)> wrote:

This is inappropriate! I asked Mike to have us talk after my oral argument in the NSA case. I do not appreciate this lack of respect! More later...

On Mon, Nov 3, 2014 at 8:16 AM, Brian Mackiewicz <[detmack@gmail.com](mailto:detmack@gmail.com)> wrote:  
Gentleman,

MELC202173

I guess I will take a minute and respond to some of the issues at hand. Dennis you have no problem defending the work because you truly believe your the only person on the face of the earth that knows what your talking about. It is easy to hide behind, "we have a lack of understanding of software development and programs" but do you really think we would ever take your word as gospel? I will admit we did take your word as gospel for some time time but that time ended when you grossly misrepresented the work that you said was completed.

It would have not been such a big deal Dennis but Mike and I represented the fact the work was complete and it wasn't. Look I am not stupid you have lied to me several times over the past 12 months. I have caught you in you lies and chosen to move forward and look past the fact you lied. I always kept hope and believed when it came to your work product and your "STORY" you were always being truthful. The problem now is were do the lies end and the truth start. I am not even sure you know the answer to that Dennis.

From day one I thought we all had a common goal in mind when it came to this investigation. If your "STORY" was based on facts and the information you provided was all truthful Mike, I, and the Office was dedicated to do anything in our powers LEGALLY to help bring your story forward and expose the TRUTH. I truly believe Mike, I, and the Office have lived up to our part of the deal. We have given you approximately 120,000 dollars plus in exchange for information. We brought you before the Arizona State Attorney General, we found you two different Attorneys, and we opened the door to a Federal Judge to give you as much protection as possible. Mike and I went to the Administration several times and asked for extensions to continue this investigation because we believed your "STORY" and the information you provided. When you had a stroke and you had NO one to turn you I was on a plane to assist you and your family. Not to mention the personal sacrifices Mike and I have made over the past 12 months to make sure you and your family were taken care of. Dennis if you don't remember Mike and I even gave you 200.00 dollars a piece out of our own pockets so you could have a Thanksgiving with your family last year. Just to later find out you worked Tim for 500.00 dollars also.

And to address one other issue that has seemed to come up more then once. If I remember correctly it was you choice to get on a plane and fly to Washington DC. Mike, I, or the Office was not aware you were advised by your Doctor not to travel UNTIL after you flew back to Seattle. I remember Mike and I specifically told when you after you informed us of that information you would have to provide a doctors letter before we would let you travel again. I also remember you getting so intoxicated at dinner while in Washington DC I had to tell the waiter to start serving you cocktails with no alcohol. Mike, I, or the Office would have never let you flight to Washington DC if we knew it was against your Doctors orders.

You also mention, "I was forced to sacrifice my recovery to adhere to your ridiculous timeframes to further are agenda". Dennis I want to be clear last time I knew you were an adult. As adults sometimes we have to make certain choices in life that might effect our future. Mike, I, or the Office did not hold a gun to your head telling you had to do anything.

Dennis for some reason I think you believe it is Mike, I, and the Offices responsibility to support you and your family's lifestyle, and to fix all your problems. From the beginning we all agreed we had some obstacles to overcome based on what other people have said about you. I believe Mike, and I have and will continue to overcome those obstacles if you are truthful with us.

Dennis your not a stupid person. You know exactly what we need and want to be able to move forward. You know everything you provide us has to get verified by a third party. If I just believed everything people told me without verifying it by facts or evidence everyone would be locked up. If you CANT or WONT provide Mike, and I with what is necessary to prove and verify everything then be honest and tell us. There is more then one way to skin a cat.

As far as Larry Klayman is concerned his involvement in this investigation is non existent. we understand he is your attorney and he is representing you. BUT he has no bearing at all on how this case is investigated and what the outcome maybe. You might be able to play Larry for what you need for a little while but in the end you and Larry still need someone with CREDIBILITY to verify the information and your "STORY" .

And for my last and final point. Dennis I have been a Deputy Sheriff for almost 18 Years. When I graduated the Police Academy I took an Oath of Office which I still keep believe in. I know you have heard me say this more then once but this is one investigation of many in my Career. My job is to find the facts, verify the facts, and come to a logical conclusion that a reasonable person would believe based on those facts. I have no agenda in this investigation Dennis. When we decide this investigation is over I will look at all the facts, statements, and evidence that has been collected over the past year and ask myself what would a reasonable person would think. Remember that Oath I mention, it means no matter how I feel personally regarding the outcome of this investigation I am sworn to do the right thing Dennis. I truly hope in the end we all accomplish the same goal we all had in the beginning, but remember if not I am NOT AFRAID and I can promise you I will do the right thing.

Dennis it is a great possibility that your future depends on what you do from here. We have days not weeks, not months. Time is of the essence

Detective Brian Mackiewicz #1227

Sent from my iPad

MELC202174

On Nov 2, 2014, at 9:54 PM, David Webb <[dwebb605@gmail.com](mailto:dwebb605@gmail.com)> wrote:

I have no problem defending my work. You have a lack of understanding of software development and programs. This is what is hindering the work from moving forward.

If you look at the previous email I sent you, you will find all of the build numbers you have been looking for.. The website is also up and contains the latest information on the various adobe builds.

You can't expect the technology to find data that Adobe leaves out in some of their formats.

Regarding the issue of money, I will leave that to the sheriff and Brian Mackweitz to address.

Regarding my commitment, at your and Brian Mickiewicz's request, I got on a plane 4 weeks after my stroke and brain coiling

against medical advice. In addition, I was forced to sacrifice my recovery to adhere to you ridiculous timeframe and further your agenda.

Once again you are upset at me for not getting on a plane to meet your NSA advisors, when my doctors have advised against it.

As you well know I have lost the use of my left arm and hand. I have made some progress in moving my arm, and hand, but it is impossible to program with it.

You told me in previous emails that you wanted this to get back on track. You most recent email convinces me otherwise.

Go find someone else to do this work.

**MELC202175**

# Exhibit D

**From:** [Mike](#)  
**To:** [detmack@gmail.com](mailto:detmack@gmail.com)  
**Subject:** OZ  
**Date:** Tuesday, December 09, 2014 5:28:00 PM

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Dennis

To answer the question, where we go from here, really is dependent upon you. A year-long investigation and tens of thousands of dollars invested, we have absolutely nothing to show for it. The 50 some odd drives we had in our possession shockingly turned out to contain nothing of any significance on any level whether Federal or pertaining to the Sheriff's Office. There was absolutely nothing of use on those drives.

Overwhelming content of meaningless information does absolutely nothing to further your cause and obviously puts the Sheriff's office in a very precarious situation.

Dennis I think the bottom line is if you have the information this is the time to provide. We have an extremely short window of opportunity to work in and the choice is yours. All you have to do is produce what you said you were going to produce in exchange for the dollars you received.

But I have to stress to you the time is of the essence. We have been instructed to write up our final report and be ready to hand it over to a different agency. I really don't want to see it come to that but again the choice is yours.

MELC202048

# Exhibit E

From: [Larry Klayman](#)  
To: [Michael Zullo](#)  
Cc: [David Webb](#); [Dennis](#)  
Subject: Re: 2nd Request  
Date: Monday, April 20, 2015 4:21:11 PM

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I'll call tomorrow best

On Apr 20, 2015 7:10 PM, "Mike" <[ltick@earthlink.net](mailto:ltick@earthlink.net)> wrote:

Larry,

This is now my second request asking for a date set for the completion of the work Dennis Montgomery has been promising for over 16 months.. Mr. Montgomery's behavior and lack of performance flies in the face of his numerous promises pledging to complete the work.. This is especially concerning given the face that Mr. Montgomery needs validation like a drowning man needs oxygen. His behavior simply erodes whatever thread of credibility he may have left. In fact as of this date, our experience dealing with Mr. Montgomery mirrors what has been written about him.. It is apparent to us that this is just a game of running the clock in the hope Montgomery can position himself as a "Whistle Blower" with some jurisdiction and with your help get out from under his obligation to the us. In our opinion Montgomery does not qualify under Federal Whistle Blower protections. A risky game....

I would like a response by close of business on Wednesday April 22nd, 2015. If we do not here from you or your client we will complete final reports, close the matter and make the appropriate notifications.

Larry we have bent over backwards to help your client and you however, it appears that you have changed course and are no longer work to our mutual benefit.

Mike

From: Mike [mailto:[ltick@earthlink.net](mailto:ltick@earthlink.net)]

Sent: Thursday, April 16, 2015 1:34 PM

**MELC202142**

To: Larry Klayman ([leklayman@gmail.com](mailto:leklayman@gmail.com)); 'David webb'; 'Brian Mackiewicz'

Subject: FW: Home

Larry,

Per our phone conversation , I need to know Dennis's intentions on moving forward on a timely basis and honor his agreement with us and set a hard date to complete the paid work on the BC as he agreed to perform.. This work has nothing to do with the other issues he is dealing with and as of last month he was one week away from completion. That week as others came and went. Open ended e mails of promises of continued efforts simple are no longer reliable given the history. Please let me know of his intentions to provide a completion date in the very near future.

Mike

From: Mike [mailto:[1tick@earthlink.net](mailto:1tick@earthlink.net)]

Sent: Thursday, April 9, 2015 2:48 PM

To: 'Dennis '; Larry Klayman ([leklayman@gmail.com](mailto:leklayman@gmail.com))

Cc: 'Brian Mackiewicz'

Subject: RE: Home

Dennis

While I understand your situation to some degree, the truth here is you knew for months you would have to move out. You were in fact contractually obligated and paid a total of 15K weeks ago just prior to vacating the residence as you formally agreed. To portray this event as if you were unceremoniously or undeservingly thrown out of that house really is a stretch.

Looking past that, your condition of not working again until you have a residence is understandable to some extent however, the idea that once again we are at the mercy of you or your circumstance is not going to be something we will be able to contend with much longer. On my end of this you were compensated \$10,000 from a charitable organization for a service and software that I have yet to receive in any worthwhile or usable configuration. I will not allow this organization to be victimized. This matter is going to have to be resolved very soon. Additionally, the agreement between you and the Sheriff's

**MELC202143**

Office to forgo official notification to our contact in DC is now very long in the tooth and unproductive for us, as you have again failed to deliver anything as agreed.

You also recall we have 60 hard drives that you created, now in our custody. The Sheriff's Office painfully drove them back to AZ as purported evidence of classified information gathered by you. You will recall we had those drives examined and discovered there was absolutely nothing of value on them. To be clear there was nothing of a classified nature contained on any of them and as matter of fact there was evidence of fabrication on numinous levels. Dennis I don't have to tell you what this smells of do I?

With your pending litigation in FL. You are aware that both Brian and I had met with the defendant that last time we were in DC. He has our business cards. It will only be a matter of time before we are contacted by his attorney. Also in light of your most recent attempt to offer testimony as a WB and the fact that we have a videotaped Free Talk agreement you made with the AZAG and you have breached that agreements as well, this is not something I am prepared to allow to move forward without the proper notifications made on our end under these agonizing circumstances.

Sixteen long months of ZERO s and just empty promises and lip service. Enough...

We are going to allow you one last attempt to honor your agreement with us and set a hard date in the very near future to complete the work as agreed. I will wait to hear from you or Larry . Remember this is going to be a make or break moment.

Time is of the essences Dennis...

Mike

From: Dennis [mailto:[dennis@ncoder.net](mailto:dennis@ncoder.net)]

Sent: Thursday, April 9, 2015 4:24 PM

To: [1tick@earthlink.net](mailto:1tick@earthlink.net)

Subject: Home

**MELC202144**

I am still trying to find a place to live. My life is in chaos since I have no home. As soon as I can get into a home and my needs are met, I will continue the work to the best of my ability. You obviously know by now the sheriff enforced an eviction notice on us, and removed us from the Yarrow property. Our situation is precarious at best.

**MELC202145**

# Exhibit F

Timeline

<u>Date</u>	<u>Description</u>	<u>IP Address</u>	<u>Time Call</u>	<u>From Call</u>	<u>To Call</u>	<u>Duration in (Min)</u>
2001 - 2008	Eric Holder Senior Partner Covington Burling Law Firm					
2001 - 2009	Lanny Breuer Senior Partner Covington Burling Law Firm					
02/12/07	ACLU Files Melendres Lawsuit Against Arpaio					
06/15/08	US Department of Justice (DOJ) announces investigation into Joe Arpaio					
02/01/09	US Department of Justice (DOJ) - Hires Eric Holder Attorney General US					
03/15/09	Arizona Attorney General (AG) Issues Search Warrant Deputy Joel Fox					
04/20/09	Lanny Breuer Hired As Assistant AG Criminal Div. - DOJ					
07/07/09	Joe Arpaio Announces he will not cooperate with DOJ Investigation					
07/15/09	US Federal Judge Mary Murguia recuses herself from the Arpaio case.					
07/20/09	US Department of Justice (DOJ) - Calls Federal Judge G. Murray Snow			202.514.2000	602.322.7560	10
07/22/09	<a href="#">Judge G. Murray Snow Assigned To Arpaio Federal Cases (Not Random)</a>					
07/23/09	<a href="#">US Department of Justice (DOJ) - Calls Federal Judge G. Murray Snow</a>			202.514.2000	602.322.7560	32
09/01/09	<a href="#">John Gray Starts Intern Clerk Job with Federal Judge G. Murray Snow</a>					
09/26/09	<a href="#">US Department of Justice (DOJ) - Calls Federal Judge G. Murray Snow</a>			602.322.7650	202.514.2000	5
09/28/09	US Department of Justice (DOJ) - Wire Tap #56990-34 Block 602-920-4000,++					
10/15/09	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
	Maricopa Government - mcao.maricopa.gov - mcso.maricopa.gov	156.42.184.65				
	Mail servers: extmail1.maricopa.gov extmail2.maricopa.gov	156.42.103.166				
03/25/10	Federal Judge Mary Murguia nominated to the 9 <sup>th</sup> Circuit Court Appeals.					
05/24/10	<a href="#">US Department of Justice (DOJ) Calls Federal Judge G. Murray Snow</a>			202.514.2000	602.322.7560	14
05/28/10	DOJ Criminal Division Wire Tap #64402-03 602-920-4400, 602-920-4000					
08/15/10	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
	Maricopa Government - mcao.maricopa.gov - mcso.maricopa.gov	156.42.184.65				
	Mail servers: extmail1.maricopa.gov extmail2.maricopa.gov	156.42.103.166				
07/10/10	Covington Burling Law Firm Take Over Melendres Lawsuit Against Arpaio.					
09/02/10	US Department of Justice (DOJ) files suit against Arpaio					
09/15/10	<a href="#">John Gray Ends Intern Clerk with Federal Judge G. Murray Snow</a>					
10/01/10	<a href="#">John Gray Joins Perkins Coie Law Firm</a>					
10/23/10	US Government Breached - www.jshfirm.com mail.jshfirm.com	216.119.127.142				
	Service25-us.mimecast.com ; service26-us.mimecast.com					

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10/25/10	US Department of Justice (DOJ) Calls Perkins Coie (John Gray)		16:30	202.514.2000	602.351.8092	8
10/25/10	Perkins Coie Associate (John Gray) makes call to Federal Judge Snow Chambers		16:42	602.351.8092	602.322.7560	10
10/25/10	Perkins Coie Associate (John Gray) makes call to Maricopa County Cell Phone ++		16:55	602.351.8092	602.+++	10

01/04/11 US Federal Judge Mary Murguia approved as 9th Circuit Court of Appeals Judge  
 04/23/11 Sheriff Arpaio Fires Chief Deputy David Hendershott and Deputy Larry Black  
 10/21/11 Sheriff Arpaio Fires MSCO Captain Joel Fox  
 09/01/11 US Department of Justice (DOJ) files complaint against Sheriff Arpaio

07/19/12 Melendres vs. Sheriff Arpaio Trial Heard by Federal Judge G. Murray Snow

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 06/13/13 US Department of Justice (DOJ) Joins Melendres Lawsuit with Covington Law Firm  
 10/02/13 Judge G. Murray Snow Rules in Class Action Lawsuit Against Joe Arpaio

Red - Phone Calls made to or from the Department of Justice

Green - John Gray Interns for Federal Judge G. Murray Snow (2009 - 2010)

Blue - Judge G. Murray Snow Assigned To Arpaio Federal Case

CONFIDENTIAL

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09/01/09	<a href="#">John Gray Starts Intern Clerk Job with Federal Judge G. Murray Snow</a>					
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09/25/09	<a href="#">US Department of Justice (DOJ) - Calls Dennis Burke US Attorney Arizona</a>		10:43	202.514.2000	602.514.7500	9
09/26/09	<a href="#">Judge G. Murray Snow Calls US Department of Justice (DOJ)</a>		11:04	602.322.7560	202.514.2000	16
09/28/09	<a href="#">Dennis Burke US Attorney - Calls Judge G. Murray Snow</a>		11:44	602.514.7500	602.322.7560	6
09/28/09	US Department of Justice (DOJ) - Wire Tap #56990-34 Block 602-920-4000, ++					
10/15/09	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
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	Mail servers: extmail1.maricopa.gov extmail2.maricopa.gov	156.42.103.166				
03/25/10	Federal Judge Mary Murguia nominated to the 9 <sup>th</sup> Circuit Court Appeals.					
05/24/10	<a href="#">US Department of Justice (DOJ) - Civil Rights Calls Federal Judge G. Murray Snow</a>			202.514.6225	602.322.7560	14
05/28/10	DOJ Criminal Division Wire Tap #64402-03 602-920-4400, 602-920-4000					
08/15/10	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
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07/10/10	Covington Burling Law Firm Take Over Melendres Lawsuit Against Arpaio.					
09/02/10	US Department of Justice (DOJ) files suit against Arpaio					
09/15/10	<a href="#">US Department of Justice (DOJ) Call Federal Judge G. Murray Snow</a>			202.307.0652	602.322.7560	5

Timeline

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10/25/10	Perkins Coie Associate (John Gray) makes call to Maricopa County Cell Phone ++		16:55	602.351.8092	602.+++	4
01/04/11	US Federal Judge Mary Murguia approved as 9th Circuit Court of Appeals Judge					
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10/01/10	John Gray Joins Perkins Coie Law Firm					
10/18/10	Covington Burling Law Firm Call Department of Justice (DOJ) - Not In This Case		14:55	650.632.4704	202.514.6225	10
10/22/10	Covington Burling Law Firm Call Perkins Coie (John Gray)		14:21	650.632.4704	602.351.8092	19
10/23/10	US Government Breached - www.jshfirm.com mail.jshfirm.com	216.119.127.142				
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Red - Phone Calls made to or from the Department of Justice

Green - John Gray Interns for Federal Judge G. Murray Snow (2009 - 2010)

Blue - Judge G. Murray Snow Assigned To Arpaio Federal Case

Timeline

Timeline

Timeline

<u>Date</u>	<u>Description</u>	<u>Breach IP Address</u>	<u>Time Call</u>	<u>From Call</u>	<u>To Call</u>	<u>Duration in (Min)</u>
2001 - 2008	Eric Holder Senior Partner Covington Burling Law Firm					
2001 - 2009	Lanny Breuer Senior Partner Covington Burling Law Firm					
02/12/07	ACLU Files Melendres Lawsuit Against Arpaio					
06/15/08	US Department of Justice (DOJ) announces investigation into Joe Arpaio					
02/01/09	US Department of Justice (DOJ) - Hires Eric Holder Attorney General US					
03/15/09	Arizona Attorney General (AG) Issues Search Warrant Deputy Joel Fox					
04/20/09	Lanny Breuer Hired As Assistant AG Criminal Div. - DOJ					
07/07/09	Joe Arpaio Announces he will not cooperate with DOJ Investigation					
07/15/09	US Federal Judge Mary Murguia recuses herself from the Arpaio case.					
07/20/09	US Department of Justice (DOJ) - Calls Federal Judge G. Murray Snow			202.514.2000	602.322.7560	10
07/22/09	<a href="#">Judge G. Murray Snow Assigned To Arpaio Federal Cases (Not Random)</a>					
07/23/09	<a href="#">US Department of Justice (DOJ) - Calls Federal Judge G. Murray Snow</a>			202.514.2000	602.322.7560	32
09/01/09	<a href="#">John Gray Starts Intern Clerk Job with Federal Judge G. Murray Snow</a>					
09/16/09	<a href="#">Dennis Burke Becomes US Attorney General Arizona</a>					
09/25/09	<a href="#">US Department of Justice (DOJ) - Calls Dennis Burke US Attorney Arizona</a>		10:43	202.514.2000	602.514.7500	9
09/26/09	<a href="#">Judge G. Murray Snow Calls US Department of Justice (DOJ)</a>		11:04	602.322.7560	202.514.2000	16
09/28/09	<a href="#">Dennis Burke US Attorney - Calls Judge G. Murray Snow</a>		11:44	602.514.7500	602.322.7560	6
09/28/09	US Department of Justice (DOJ) - Wire Tap #56990-34 Block 602-920-4000, ++					
10/15/09	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
10/15/09	Maricopa Government - mcao.maricopa.gov - mcso.maricopa.gov	156.42.184.65				
10/15/09	Mail servers: extmail1.maricopa.gov extmail2.maricopa.gov	156.42.103.166				
03/25/10	Federal Judge Mary Murguia nominated to the 9 <sup>th</sup> Circuit Court Appeals.					
05/24/10	<a href="#">US Department of Justice (DOJ) - Civil Rights Calls Federal Judge G. Murray Snow</a>			202.514.6225	602.322.7560	14
05/28/10	DOJ Criminal Division Wire Tap #64402-03 602-920-4400, 602-920-4000					
08/15/10	US Gov breached Maricopa all domains, and subdomains	156.42.184.18				
08/15/10	Maricopa Government - mcao.maricopa.gov - mcso.maricopa.gov	156.42.184.65				
08/15/10	Mail servers: extmail1.maricopa.gov extmail2.maricopa.gov	156.42.103.166				
07/10/10	Covington Burling Law Firm Take Over Melendres Lawsuit Against Arpaio.					
09/02/10	US Department of Justice (DOJ) files suit against Arpaio					

JOE ARPAIO BRIEF

Timeline

<u>Date</u>	<u>Description</u>	<u>Breach IP Address</u>	<u>Time Call</u>	<u>From Call</u>	<u>To Call</u>	<u>Duration in (Min)</u>
09/15/10	US Department of Justice (DOJ) Call Federal Judge G. Murray Snow			202.307.0652	602.322.7560	5
09/15/10	John Gray Ends Intern Clerk with Federal Judge G. Murray Snow					
10/01/10	John Gray Joins Perkins Coie Law Firm					
10/18/10	Covington Burling Law Firm Call Department of Justice (DOJ) - Not In This Case		14:55	650.632.4704	202.514.6225	10
10/22/10	Covington Burling Law Firm Call Perkins Coie (John Gray)		14:21	650.632.4704	602.351.8092	19
10/23/10	US Government Breached - www.jshfirm.com mail.jshfirm.com	216.119.127.142				
10/23/10	Service25-us.mimecast.com ; service26-us.mimecast.com					
10/25/10	US Department of Justice (DOJ) Calls Perkins Coie (John Gray)		16:30	202.514.2000	602.351.8092	8
10/25/10	Perkins Coie Associate (John Gray) makes call to Federal Judge Snow Chambers		16:42	602.351.8092	602.322.7560	10
10/25/10	Perkins Coie Associate (John Gray) makes call to Maricopa County Cell Phone ++		16:55	602.351.8092	602.+++	4
01/04/11	US Federal Judge Mary Murguia approved as 9th Circuit Court of Appeals Judge					
04/23/11	Sheriff Arpaio Fires Chief Deputy David Hendershott and Deputy Larry Black					
08/30/11	Dennis Burke Resigns As Us Attorney Arizona - Fast and Furious Scandal					
10/21/11	Sheriff Arpaio Fires MSCO Captain Joel Fox					
09/01/11	US Department of Justice (DOJ) files complaint against Sheriff Arpaio					
07/18/12	US Rep Jon Kyl office call Department of Justice Office Attorney - Amin Aminfar		11:14	202.224.4521	202-307-0652	26
07/19/12	Melendres vs. Sheriff Arpaio Trial Heard by Federal Judge G. Murray Snow					
07/24/12	Covington Burling Law Firm Call to US Rep Jon Kyl office		11:58	202.662.6000	202.224.4521	38
06/13/13	US Department of Justice (DOJ) Joins Melendres Lawsuit with Covington Law Firm					
10/02/13	Judge G. Murray Snow Rules in Class Action Lawsuit Against Joe Arpaio					

Red - Phone Calls made to or from the Department of Justice

Green - John Gray Interns for Federal Judge G. Murray Snow (2009 - 2010)

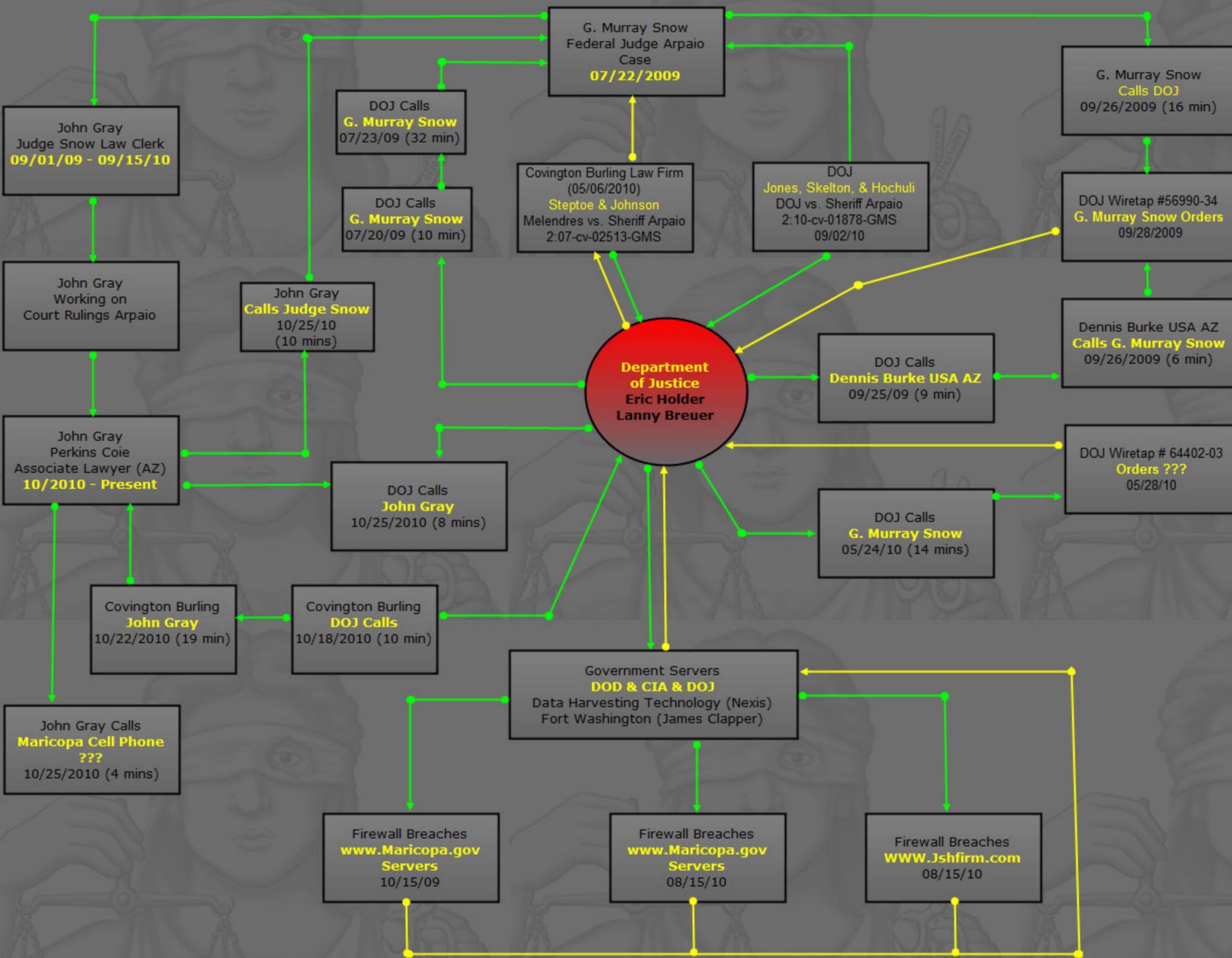
Blue - Judge G. Murray Snow Assigned To Arpaio Federal Case

Timeline

Timeline

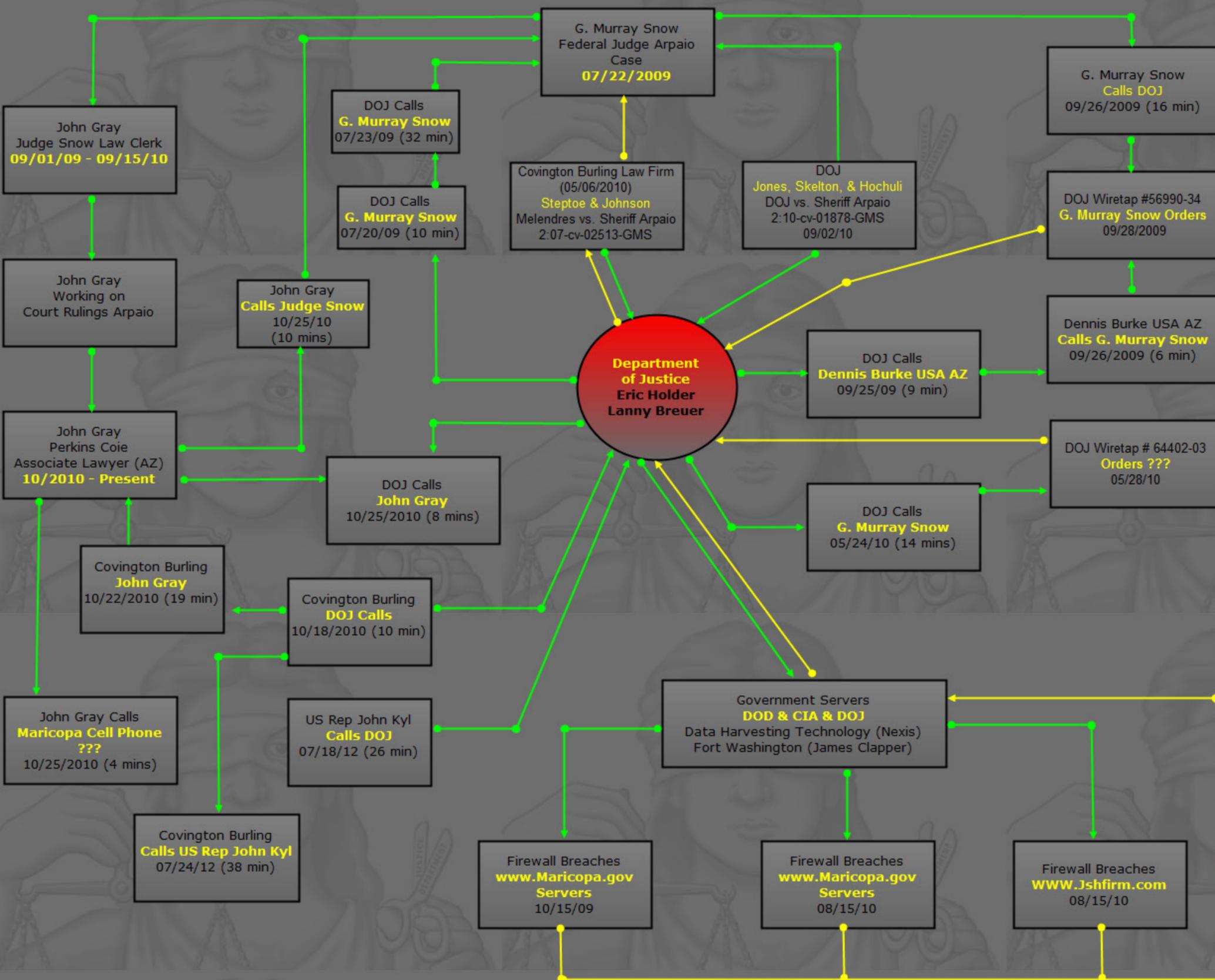


# ARPAIO BRIEF



*This Page is Still Under Construction rev (1.5a)*

# ARPAIO BRIEF



*This Page is Still Under Construction rev (2.0)*

# Exhibit G

**Cecillia Wang**

---

**From:** Rochtopcop@aol.com  
**Sent:** Wednesday, May 27, 2015 10:53 AM  
**To:** Cecillia Wang; Mlafrate@iafratelaw.com; rkw@azlawpartner.com  
**Cc:** syoung@cov.com; john.m.girvin@gmail.com; luarm8@gmail.com  
**Subject:** Re: 2015.05.26 Letter from Wang to Iafrate Walker.nrl  
**Attachments:** 5.22.15ltrtoWarshaw.pdf

Counsel,  
In light of the fact that the plaintiffs' attorneys were going to participate in our site visit of this week, I was remiss for not having shared the exchanged correspondences with all parties last week. Please accept my apologies. A letter from Ms. lafrate that was referenced in her office's email to me of 5/22/15, at 7:27 PM, EST is attached.  
Regards,  
Chief W..

In a message dated 5/26/2015 6:27:48 P.M. Eastern Daylight Time, [Cwang@aclu.org](mailto:Cwang@aclu.org) writes:  
I neglected to copy the Monitor Team, as indicated in the text of the letter. Correcting that now.

From: Cecillia Wang  
Sent: Tuesday, May 26, 2015 11:42 AM  
To: Michele lafrate ([Mlafrate@iafratelaw.com](mailto:Mlafrate@iafratelaw.com)); [rkw@azlawpartner.com](mailto:rkw@azlawpartner.com)  
Cc: Young, Stanley  
Subject: FW: 2015.05.26 Letter from Wang to lafrate Walker.nrl

Dear Michele and Rick,

Please see the attached correspondence.

Best regards,  
Cecillia

Cecillia D. Wang  
Director  
ACLU Immigrants' Rights Project  
39 Drumm Street  
San Francisco, CA 94111  
tel: (415) 343-0775  
fax: (415) 395-0950

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply E-mail that this message has been inadvertently transmitted to you and delete this E-mail from your system.

---

From: [TCryan@iafratelaw.com](mailto:TCryan@iafratelaw.com)  
To: [rochtopcop@aol.com](mailto:rochtopcop@aol.com)  
CC: [Mlafrate@iafratelaw.com](mailto:Mlafrate@iafratelaw.com), [CShehorn@iafratelaw.com](mailto:CShehorn@iafratelaw.com), [JLaforvara@iafratelaw.com](mailto:JLaforvara@iafratelaw.com), [knelson@iafratelaw.com](mailto:knelson@iafratelaw.com)  
Sent: 5/22/2015 7:27:43 P.M. Eastern Daylight Time  
Subj: Arpaio adv. Melendres re: correspondence from Michele lafrate

Dear Chief Warshaw,

I have attached correspondence from Michele M. lafrate.

Tracy Cryan, Legal Assistant to

Dawn M. Sauer and Arman R. Nafisi-Movaghar  
IAFRATE & ASSOCIATES  
649 N. 2nd Avenue  
Phoenix, Arizona 85003  
(602) 234-9775  
Fax: (602) 254-9733  
[tcryan@iafratelaw.com](mailto:tcryan@iafratelaw.com)

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---

From: [Rochtopcop@aol.com](mailto:Rochtopcop@aol.com)  
To: [miafrate@iafratelaw.com](mailto:miafrate@iafratelaw.com)  
CC: [Luarm8@gmail.com](mailto:Luarm8@gmail.com), [John.M.Girvin@gmail.com](mailto:John.M.Girvin@gmail.com)  
Sent: 5/22/2015 8:38:47 P.M. Eastern Daylight Time  
Subj: Next Week's Site Visit

Michele,

Thanks for your correspondence of this evening. As you are aware, we have a small contingent of my team coming to Maricopa next week for regular auditing duties as well as a community meeting. I can see nothing in the motion put before the Court today, or any Orders from the Court, that in any way mitigates the appropriateness of this prescheduled visit.

Accordingly, we will proceed as planned.

Best for the holiday weekend,  
Chief W.

From: [Mlafrate@iafratelaw.com](mailto:Mlafrate@iafratelaw.com)  
To: [Rochtopcop@aol.com](mailto:Rochtopcop@aol.com)  
CC: [Luarm8@gmail.com](mailto:Luarm8@gmail.com), [John.M.Girvin@gmail.com](mailto:John.M.Girvin@gmail.com)  
Sent: 5/22/2015 8:43:21 P.M. Eastern Daylight Time  
Subj: Re: Next Week's Site Visit

You have explained to me that you are the court, you get your authority from the court and you were appointed by the court. The court is stayed from proceeding until a decision is made therefore so are you. For example all depositions ordered by the court are now stayed. Therefore, so are your actions. Thanks for your attention to this new development.

Michele

---

From: [john.m.girvin@gmail.com](mailto:john.m.girvin@gmail.com)  
To: [R\\_Skinner@mcs.maricopa.gov](mailto:R_Skinner@mcs.maricopa.gov)  
CC: [rochtopcop@aol.com](mailto:rochtopcop@aol.com), [Luarm8@gmail.com](mailto:Luarm8@gmail.com), [miafrate@iafratelaw.com](mailto:miafrate@iafratelaw.com)  
Sent: 5/23/2015 10:53:01 A.M. Eastern Daylight Time  
Subj: Site Visit This Week

Captain Skinner,

As you are aware, we have been scheduled for a brief site visit this week, and we appreciate your efforts in arranging our meetings. While we do not believe that there are any issues before the Court which would preclude such a visit, we have decided to reschedule the visit for a later date to avoid needless confrontation.

We're confident that as the legal process continues, these issues will be addressed. We will keep you abreast of any rescheduling.

Thanks again, and have a great holiday weekend.

John

Commander (Ret.) John M. Girvin  
Deputy Monitor

From: [MLafrate@iafratelaw.com](mailto:MLafrate@iafratelaw.com)  
To: [john.m.girvin@gmail.com](mailto:john.m.girvin@gmail.com)  
CC: [R\\_Skinner@mcso.maricopa.gov](mailto:R_Skinner@mcso.maricopa.gov), [rochtopcop@aol.com](mailto:rochtopcop@aol.com), [Luarm8@gmail.com](mailto:Luarm8@gmail.com)  
Sent: 5/23/2015 11:26:44 A.M. Eastern Daylight Time  
Subj: Re: Site Visit This Week

Thank you for the update.  
Michele

**IAFRATE & ASSOCIATES**

**Attorneys at Law**

Michele M. Iafrate

649 N. 2nd Ave.  
Phoenix, AZ 85003  
(602) 234-9775  
Fax (602) 254-9733  
Tax ID 20-1803233

May 22, 2015

Robert S. Warshaw  
**Warshaw & Associates**  
348 W. Wabash Drive  
Sylva, North Carolina 28779

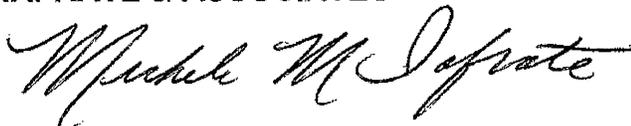
**RE: *Arpaio, et al. adv. Melendres, et al.***  
**U.S. District Court Case No: CV07-02513-PHX-GMS**

Dear Chief Warshaw:

Based on the Court's Order issued today (Doc. 1120), the *Melendres* case is stayed until a decision is made regarding the Motion to Recuse or Motion to Disqualify (Doc. 1117). Therefore, the Monitor's records requests still outstanding and the site visits scheduled are stayed as well.

Sincerely,

**IAFRATE & ASSOCIATES**



Michele M. Iafrate

MMI/tlc  
Enclosure

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, on  
behalf of himself and all others similarly  
situated; et al.

Plaintiffs,

v.

Joseph M. Arpaio, in his individual and  
official capacity as Sheriff of Maricopa  
County, AZ; et al.

Defendants.

No. CV-07-2513-PHX-GMS

**ORDER**

In light of the Motion for Recusal or Motion to Disqualify (Doc. 1117) filed this morning,

**IT IS HEREBY ORDERED** vacating the Status Conferences set for May 29, June 5 and June 12, 2015. The Court shall issue no further orders until the Motion is fully briefed and/or a ruling has been issued.

**IT IS FURTHER ORDERED** directing the parties to continue to hold the dates in June for the continued civil contempt hearings or for discovery, until further notice of the Court.

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# Exhibit H

# ARPAIO'S DESPERATION MOVE: LAWYERS MOVE TO DISQUALIFY JUDGE SNOW

BY **STEPHEN LEMONS**

FRIDAY, MAY 22, 2015 | 21 DAYS AGO



Arpaio's criminal attorney Mel McDonald takes a cue from birther attorney Larry Klayman, seeks recusal of Snow

*Steph*

Attorney Mel McDonald, Sheriff Joe Arpaio's personal Bruce Cutler, rode on the coattails of birther lawyer Larry Klayman Friday morning by filing a motion in Phoenix federal court to have Judge G. Murray Snow recuse himself from the contempt proceedings against the

sheriff, in the civil rights case *Melendres v. Arpaio*.

**Klayman's move to intervene** on behalf of Seattle computer guy Dennis Montgomery – in a bid to disqualify Snow – was shot down by both Snow and the U.S. Ninth Circuit Court of Appeals last week.

Now along comes McDonald, a former U.S. Attorney and superior court judge, swiping a page from Klayman's book, in an obvious attempt to postpone an upcoming two-week hearing in June.

McDonald even stooped to borrowing from Klayman's failed motion a declaration by Ron Rotunda, the law prof at a podunk Christian college in California.

Arpaio's attorney later told reporters that there had been no coordination with Klayman's organization Freedom Watch, but he admitted to having read Klayman's filings.

**See also:**

*-ARPAIO'S END GAME: JUDGE SNOW SETS THE SHERIFF'S CONTEMPT HEARING FOR APRIL, BUT JOE HAS SOME TRICKS UP HIS SLEEVE*

*-BIRTHING LAWYER LARRY KLAYMAN RUSHES TO THE RESCUE OF ARPAIO'S "SNOWDEN"*

*-SNOW BLASTS ARPAIO'S "BOGUS CONSPIRACY THEORY"*

McDonald announced the move Friday morning, at the beginning of a status conference before Snow. He told Snow the reason for the request had to do with the judge's inquiries into two investigations: one involving Snow's wife, the other involving the MCSO's use of Montgomery to gin up a bogus conspiracy theory involving Snow, the U.S. Department of Justice, former U.S. Attorney General Eric Holder, and others.

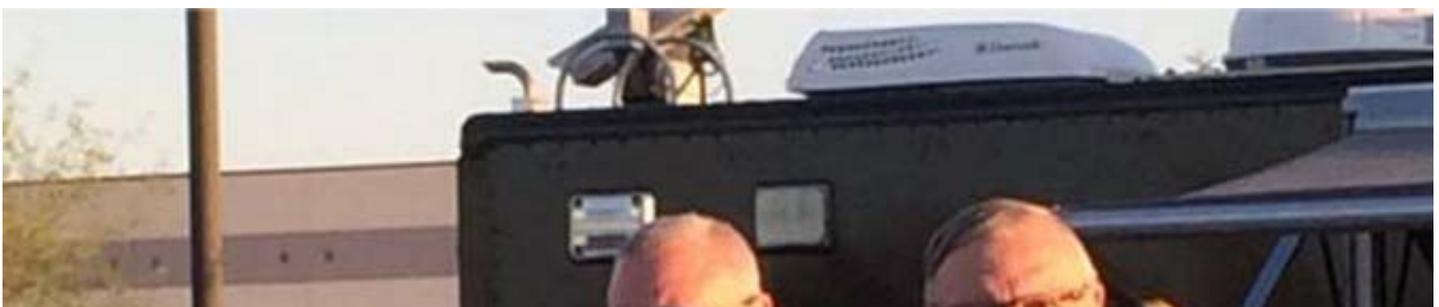
Snow agreed to stay all proceedings until he could decide whether or not he would grant the motion and hand off the case to another judge.

However, he noted that the defendants in *Melendres* already had an earlier judge in the case, **Mary Murguia**, recuse herself for cause, and that the defendants may only be allowed to have one judge so removed per case.

McDonald countered that there was no limit to the rule. He said the defendants objected to the "entire inquiry" and to the "unbridled authority" given to Snow's monitor Robert Warshaw.

Snow elicited chuckles from the audience when he observed that the defendants had the investigation into his wife Cheri Snow "for three years and did nothing about it."

Still, Snow brought an abrupt end to the hearing, leaving Arpaio's contempt trial in limbo for the moment.





Arpaio and Sheridan: Delaying the inevitable...

Plaintiffs' attorney Cecilia Wang of the ACLU called the timing of the motion "extremely suspect," and suggested the move was "an attempt to delay."

To the media outside the Sandra Day O'Connor U.S. Courthouse, McDonald denied that the surprise motion was a delaying tactic.

"They can say anything they want," he said of Wang's comment, adding, "There's no advantage in delaying the proceeding. Genuine issues were raised that we thought another judge should consider."

***READ MCDONALD'S MOTION TO BOOT JUDGE SNOW FROM ARPAIO'S CONTEMPT CASE***

That's a complete about-face from McDonald's statements in April, after a hearing where the investigation into Snow's wife was discussed.

That investigation involved the hiring of a private investigator by Arpaio's then-civil attorney Tim Casey to look into comments allegedly made by Cheri Snow at a Tempe restaurant in

2012.

A woman named Karen Grissom sent Arpaio a private message on Facebook in August 2013, claiming she ran into Snow's wife, who supposedly told her that Snow despised Arpaio and wanted him out of office.

*READ THE FURTHER UN-REDACTED LETTER FROM FORMER ARPAIO LAWYER TIM CASEY*

In a January column, I predicted this recent skullduggery by Arpaio and his legal beagles, reporting that Arpaio was investigating Snow's wife in an attempt to conflict the judge off the case.

"Even if Joe pulls the conflict-of-interest card and it fails, he would taint the April proceedings in the minds of his followers," I wrote at the time. "Judge Snow is corrupt, the sheriff's supporters will cry. Part of a plot to railroad their hero."

*LISTEN TO A RECORDING OF ARPAIO'S MOUTHPIECE MEL MCDONALD IN APRIL AS HE EXPLAINS WHY THERE IS NO NEED FOR JUDGE SNOW TO RECUSE HIMSELF.*

And so it goes. The MCSO investigation involving Montgomery also was an attempt to compromise the judge, part of Joe's standard operating procedure in dealing with anyone who blocks his path.

I stated as much in a June 2014 column. Snow confirmed the purpose of the Seattle investigation last week during a status conference, when he called the probe, "an attempt to construct a conspiracy involving this court."

Both Arpaio and Sheridan previously had denied under oath that they were using Montgomery to investigate a bizarro-world conspiracy involving Snow.

After Snow confirmed the purpose of the Seattle investigation in open court, sources tell me that Sheridan and Arpaio were at MCSO headquarters till the wee hours of the morning, trying to figure out how to deal with this new situation.

Snow had authorized his monitor to investigate anything to do with the Montgomery affair, one of the topics of the two-week hearing in June.

Interestingly, in April, McDonald was singing a different tune entirely to the press, after the investigation into Snow's wife was revealed.

"I've heard comment or commentary from so-called lawyer experts, saying, 'Gee, the judge should recuse himself,'" McDonald stated. "That's ridiculous, of course he shouldn't! People suggest we should now get rid of Judge Snow. Why? It was an inquiry. It ended there. It was not any kind of a witch hunt. Case closed."

**Casey spoke with Cheri Snow's accuser Karen Grissom by phone, ultimately concluding that "the information from Ms. Grissom lacked substance or merit"**

Was it an attempt to conflict Snow out, I wondered at the time?

"No, there was no attempt to conflict him out," McDonald told me. "If someone makes a report, [the authorities] have to follow the report."

Snow recently un-redacted further portions of a 2013 letter to Arpaio from the sheriff's ex-attorney Tim Casey

OF MERIT.

letter to Arpaio from the sheriff's ex-attorney Tim Casey concerning the statements supposedly made by Cheri Snow.

Casey looked into the statements himself, speaking with Karen Grissom by phone. He ultimately concluded that the "the information from Ms. Grissom lacked substance or merit."

But Sheridan and Arpaio demanded that more be done with the lead. So Casey hired private dick Don Vogel to interview Grissom and her family.

In a now un-redacted portion of the letter, Casey explains the following:

"I, therefore, respectfully recommend and strongly advise against any use of the Grissom information. Additionally, the Grissom information is so fundamentally flawed in its substance that it likely cannot be used in a Rule 60 motion, appeal, or otherwise, without the lawyer who does so violating the federal court's rule of civil procedure and the Arizona Rules of Professional Conduct."

You can draw two conclusions from this statement: one, the purpose of looking into Grissom's claim was to find material to use against Snow; and two, Casey realized that what they got from Grissom was too flimsy to use in court.



Arpaio's ex-consigliere Tim Casey, found the Grissom probe "fundamentally flawed in its substance."

*Step1*

In May 2013, **Snow found Arpaio and the MCSO guilty of widespread racial profiling**, ordering an end to the unconstitutional activity.

When the parties could not agree to a list of remedies, **Snow issued a final order in October 2013**, dictating a laundry list of reforms to be implemented by the MCSO with the assistance of a court-appointed monitor.

In August of that year, both Arpaio and Sheridan knew this was coming down the pike.

Grissom's Facebook message during that month to Arpaio must have seemed like manna from heaven.

Arpaio and Sheridan got Casey to do their dirty work for them, but Casey didn't have the stones to go as far as they wanted.

Ironically, they got their chance during the contempt proceedings in April, when Snow asked them about the MCSO's investigations into his court and his family.

Snow was correct to inquire into both matters, as they were meant to improperly influence the court.

For instance, the Montgomery investigation began, significantly, in September or October of 2013, and was to last into late 2014.

As I've pointed out before, such investigations are standard operating procedure for Arpaio. His way of conflicting a judge or an investigation by another entity is to investigate or bring false charges against them.

It would be a dangerous precedent for Snow to concede on this point. From that point on, all it would take for Joe to escape justice is to investigate the judge seeking it.

Arpaio and his new *consigliere*, McDonald may realize the motion likely will not succeed. Meanwhile they gum up the proceedings, give pro-Joe donors **a reason to give to the Joe Arpaio Defense Fund**, and perhaps create an issue on an appeal.

Even if Arpaio and Sheridan were to score a new judge, that would not help them.

Look at what happened when Arpaio asked for Murguia to recuse herself because she was a Latina and had a sister who headed up the National Council of La Raza.

As a replacement, Arpaio ended up with Snow, a conservative, Mormon jurist nominated to the bench by former President George W. Bush.

In other words, be careful what you wish for, Joe.

*E-mail: [stephen.lemons@newtimes.com](mailto:stephen.lemons@newtimes.com).*

**Update:** Here is Snow's order, filed Friday afternoon:

In light of the Motion for Recusal or Motion to Disqualify filed this morning,

IT IS HEREBY ORDERED vacating the Status Conferences set for May 29, June 5 and June 12, 2015. The Court shall issue no further orders until the Motion is fully briefed and/or a ruling has been issued.

IT IS FURTHER ORDERED directing the parties to continue to hold the dates in June for the continued civil contempt hearings or for discovery, until further notice of the Court.

IT IS FURTHER ORDERED directing the parties to inform the Court of their intention to file responses to the Motion on or before May 29, 2015 and submit a joint expedited schedule for responses and/or replies.

Dated this 22nd day of May, 2015.

Honorable G. Murray Snow

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