



Michael P Zullo

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.)

v.)

Civil Action No.
CV-07-2513-PHX-GMS

JOSEPH M. ARPAIO, in his individual And)
official capacity as Sheriff of Maricopa)
County, Arizona; et al.)

Defendant

NOTICE OF APPEALS BY MIKE ZULLO AND REQUEST TO STAY

I, Michael Zullo, pro se, files this notice that he will appeal the court's orders related to his requested testimony and production of documents by the plaintiffs' counsel including the American Civil Liberties Union, and the law firm of Covington and Burling, which includes a partner who is the brother in law of this court and which this court has ordered millions of dollars of legal fees paid to Covington and Burling, all of which are being paid from public funds belonging to the citizens of Maricopa County, yet the ACLU and Covington and Burling and Maricopa County wish to deny me the same right.

Zullo fears that the court's orders not only show an implicit bias against Zullo, given his association with Defendant Sheriff Joe Arpaio in particular, who the court, as reported in the media, revealed by his wife to destroy, and still an outstanding issue which he himself has yet to confirm or even deny, nor has this court pursued with the same zeal as the inquire into the "Seattle Operation", yet these orders violate Zullo's 5th, 4th and 6th amendment rights.

1 The court has not even allowed me sufficient time to get legal counsel and the means
2 to pay for it, after I was recently informed by legal counsel provided by Maricopa
3 County (who have caused significant liability along with the County to me), that they
4 do not represent me and have never represented me, despite false statements previously
5 that they did to fraudulently induce me to turn over documents.

6
7 Further, the previous statements concerning Zullo's representation were not only made
8 placing Zullo under the belief he was of counsel, the same representations had been
9 made to the Court on the record, giving the Court giving the same erroneous
10 impression.

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12 Additionally, the very same belief was imparted to Det. Brian Mackiewicz, Chief Deputy
13 Gerald Sheridan and Sheriff Joe Arpaio. All of which communicated the same
14 understanding.

15
16 In fact, Det. Brian Mackiewicz, Chief Deputy Gerald Sheridan and Sheriff Joseph Arpaio
17 And Sgt. Travis Anglin all had legal representation during this civil process,
18 provided by Jones, Skelton & Hochuli, P.L.C., paid for by the County and yet Zullo in
19 the eleventh hour is mysteriously denied.

20
21 Furthermore, during Zullo's deposition Attorney Stan Young of Covington and Burling
22 stated on the record that the same representations were made to him.

23
24 "Q. I'll tell you that there was a status conference on October 6 where Joe Popolizio
25 told the Court and the rest of us that he was representing you, at least in some
26 capacity".

1 In addition, a statement was provided by Attorney John Masterson Jones, Skelton &
2 Hochuli, P.L.C. to the Phoenix New Times confirming the same.

3
4 One would think that the court, in the interests of justice and simple fairness, would
5 be concerned that these lawyers have acted unethically and illegally, but this does
6 not appear to be the case.

7
8 While the ACLU has demonstrated sheer contempt for Sheriff Arpaio and anyone like me
9 who is associated with him, the ACLU has also demonstrated it believes in
10 constitutional rights for only those it agrees with in terms of its own agenda.

11
12 In an act of blatant hypocrisy , the ACLU of Utah celebrated the Sixth Amendment
13 Center's recent report which stated that "in Utah's misdemeanor courts, defendants are
14 often actually denied counsel when they are entitled to it, and in Utah's felony
15 courts, systemic deficiencies often lead to constructive denial of counsel."

16
17 Yet, the ACLU as evidenced in its recent filing, now chooses to constructively deny
18 Zullo the same right to counsel it just a week ago openly embraced for others.

19
20 In complete disregard for individual protections, attorneys from the ACLU and
21 Covington & Burling filed a motion opposing Zullo's request for the extension to seek
22 counsel to protect those same rights, unconditionally stating "Mr. Zullo actually has
23 no constitutional right to counsel at all in this civil case."

24
25 Apparently taking the position that the protections afforded by the Bill Of Rights
26 under the United States Constitution are exercisable only in accordance within the
27 ACLU's subjective agenda. In outright irony, the ACLU states on its website that it
28 seeks to "defend liberty, equality & justice". Just not here.

1 It should be noted that the ACLU has been a plaintiff in a lawsuit challenging the
2 National Security Agency's (NSA) harvesting of Americans' phone records. This one of
3 the very topics being investigated by the Maricopa County Sheriff Office, during the
4 "Seattle Operation" this exact type of information was received. Now the ACLU takes
5 the opposite position and demonizes the Sheriff and threatens him and his agents with
6 criminal violations for investigation of the same.

7
8 In yet another example of Constitutional disregard, attorney Raffaele Gomez
9 representing the DOJ civil division in this matter, is in fact the very same AUSA
10 providing oversight during the FBI raid on Denise Montgomery's home in early 2006. It
11 was later determined the FBI violated Montgomery's constitutional rights by giving the
12 court inaccurate information to obtain a warrant to search his house in March 2006.

13
14 U.S. District Judge Philip Pro's order affirmed U.S. Magistrate Valerie Cooke's
15 November ruling that Reno FBI special agent Michael West violated Montgomery's
16 constitutional rights by giving the court inaccurate information to obtain a warrant
17 to search his house in March 2006

18
19 "After examination of his affidavit, his testimony concerning his investigation and
20 the protocols the Department of Justice has implemented for these crimes, this court
21 can only conclude that SA West acted with callous disregard of Montgomery's
22 fundamental Fourth Amendment rights,"
23 Mr. Gomes in in fact very familiar with MR. Montgomery and the sensitive nature of the
24 situation surrounding him.

25
26 It is also of note that other partners of Covington and Burling are the former
27 attorney general of the Obama Justice Department, and Lanny Breuer, who was head of
28 the Obama Justice Department's criminal section. All of whom were referenced in

1 information provided to MCSO, by Mr. Montgomery during the "Seattle Investigation".
2 All now are employed by Covington and Burling.

3
4 I therefore wish to put the court on notice that I will appeal its orders and ask
5 that the court, as a minimum, stay implementation of any orders requiring my testimony
6 and the production of more documents which I provided under false pretenses to the
7 lawyers of the county, Joe Pappalizio, John Masterson and Jones, Skelton & Hochuli,
8 P.L.C. until I can take an appeal to the Ninth Circuit of these illegal rulings.

9
10 To do otherwise would itself be unethical and would further the agendas of the ACLU
11 and Covington and Burling and their clients, who also are committed to destroying
12 Arpaio and persons like me and who have threatened us with criminal prosecution.

13
14 I have consulted with a prominent attorney and need time to retain him if amendable to
15 him, as previously requested. 30 days was a reasonable time given that I need to
16 address issues with County dealing with my representation in the same way as it has
17 for others in this case including retired Chief Brian Sands who retains independent
18 counsel paid for by the County and to mitigate its liability and the damage it and its
19 lawyers have caused to me.

20
21 In the meantime, I should not be ordered to turn over documents and testify, and in
22 any event not until I can appeal and get a decision for the appeals court.

23
24
25 Dated this 2 day of November, 2015

26 
27 Michael P Zullo Pro Se
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1 I certify that on October 28, 2015, I emailed this document to these lawyers.

2 Stanley Young, Esq.
3 Andrew Carl Byrnes, Esq.
333 Twin Dolphin Road
4 Redwood Shores, California 94065

5
6 Daniel Pochoda, Esq.
3707 N. 7th Street, Suite 235
7 Phoenix, Arizona 85014

8 Cecilia D. Wang, Esq.
9 39 Drumm Street
San Francisco, California

10
11 Thomas P. Liddy, Esq.
12 222 North Central Avenue, Suite 1100 Phoenix, Arizona 85005

13
14 Michele M. Iafrate, Esq. 649 North Second Avenue
Phoenix, Arizona 85003

15
16 Deborah L. Garner, Esq. 649 North Second Avenue
Phoenix, Arizona 85003

17
18 Melvin McDonald, Esq.
2901 N. Central Avenue, Suite 800
19 Phoenix, Arizona 85012-2728

20 Andre Segura, Esq.
21 125 Broad Street, 19th Fl.
New York, New York 10004

22
23 Anne Lai, Esq.
401 E. Peltason Drive. Suite 3500
24 Irvine, California 92616

25
26 Jorge M. Castillo, Esq.
27 634 S. Spring Street, 11th Fl.
Los Angeles, California 90014

Richard K. Walker, Esq.
16100 N. 71st Street, Suite 140
Scottsdale, Arizona 85254-2236



Michael P Zullo