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Attorneys for County Defendants

11  
12 **IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

13 **MARIA M. GONZALEZ; JESUS M. No. CV06-1268-PHX ROS (Lead)**  
**GONZALES; BERNIE ABEYTIA; No. CV06-1362-PCT-JAT**  
14 **LUCIANO VALENCIA; DEBBIE No. CV06-1575-PHX-EHC**  
**LOPEZ, SOUTHWEST VOTER**  
15 **REGISTRATION EDUCATION**  
**PROJECT; VALLE DEL SOL;**  
16 **FRIENDLY HOUSE; CHICANOS POR**  
**LA CAUSA, INC.; and ARIZONA**  
17 **HISPANIC FORUM,**

18 **Plaintiffs,**

19 **v.**

20 **STATE OF ARIZONA, JAN BREWER,**  
**in her official capacity as the Secretary of**  
21 **State of the State of Arizona, et al.,**

22 **Defendants.**

**TWELVE COUNTY  
DEFENDANTS' MOTION FOR  
CONTINUANCE**

**(Assigned to the  
Honorable Roslyn O. Silver)**

1 Defendants Maricopa County Recorder Helen Purcell and Maricopa County  
2 Elections Director Karen Osborne; Apache County Recorder LeNora Johnson and  
3 Apache County Elections Director Penny L. Pew; Cochise County Recorder Christine  
4 Rhodes and Cochise County Elections Director Thomas Schelling; Gila County  
5 Recorder Linda Haught Ortega and Gila County Elections Director Dixie Mundy;  
6 Graham County Recorder Wendy John and Graham County Elections Director Judy  
7 Dickerson; Greenlee County Recorder Berta Manuz and Greenlee County Elections  
8 Director Yvonne Pearson; La Paz County Recorder Shelly Baker and La Paz County  
9 Elections Director Donna Hale; Mohave County Recorder Joan McCall and Mohave  
10 County Elections Director Allen Tempert; Pima County Recorder F. Ann Rodriguez and  
11 Pima County Elections Director Brad R. Nelson; Santa Cruz County Recorder Suzie  
12 Sainz and Santa Cruz County Elections Director Melinda Meek; Yavapai County  
13 Recorder Ana Wayman-Trujillo and Yavapai County Elections Director Lynn A.  
14 Constabile; and Yuma County Recorder Susan Hightower Marler and Yuma County  
15 Elections Director Patti Madrill (collectively “County Defendants”), by and through  
16 undersigned counsel, respectfully request that the trial in the above-captioned actions be  
17 continued until the originally set trial date of July 29, 2008.

18 On March 21, 2008 counsel for all parties was present before the Court and a new  
19 scheduling order and trial date was discussed. The trial date announced at that time was  
20 July 29, 2008. The Court indicated that this would be the **final** amended scheduling  
21 order. The Court reiterated the finality of the dates in its March 27, 2008 order, which  
22 set the trial, in writing, on July 29, 2008.

The County Defendants have received and reviewed the Court’s May 19, 2008  
order resetting the trial for July 1, 2008. County Defendants respectfully urge that  
justice requires a brief continuance to the originally set trial date of July 29, 2008. *See*  
LRCiv 40. 2(b).

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This trial comes at an especially busy time in the election season. Nomination petition challenges must be decided by June 27, 2008 and, as such, the appellate process for these actions will likely spill over into the first week in July. The County Recorder for the county from which the petition originates is an indispensable party to each of those actions. Maricopa County Attorney's Office, usually by and through Colleen Connor, Esq., almost always represents, not only its own county, but the other counties as well during the petition challenges. Due to the nature of those cases, they move very quickly and there is often very little notice prior to hearings and telephonic conferences with the Arizona Supreme Court. Ms. Connor is in the practice of being available at a moment's notice to relay information to the Supreme Court on behalf of the county recorders. As the Court is aware, Ms. Connor also represents twelve of the counties in this case. As such, in the interest of justice, the County Defendants respectfully request a brief continuance of the trial.

Furthermore, based partly on the announced finality of that trial date, below-signed counsel has committed to numerous scheduled dates for other cases during the first two weeks of July, including a mediation that has taken over a year to schedule amongst the parties involved in that case. Despite efforts to rearrange these commitments, it is proving difficult at best.

For all of the above reasons, County Defendants respectfully request that the Court continue the trial until July 29, 2008.

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**DATED** this 30<sup>th</sup> day of May, 2008.

ANDREW P. THOMAS  
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 29th day of May, 2008, I caused the foregoing  
3 document to be electronically transmitted to the Clerk's Office using the CM/ECF  
4 System for filing and transmittal of a Notice of Electronic Filing to the following

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1 COPY of the foregoing filed electronically  
this 29th day of May, 2008.

2  
3 COPY of the foregoing mailed with Notice of  
Electronic Filing this 29th day of May, 2008 to:

4 The Honorable Roslyn O. Silver  
United States District Court  
5 Sandra Day O'Connor U.S. Courthouse, Suite 624  
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8 /s/ Hilary Myers

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