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

14 Manuel de Jesus Ortega Melendres, et al.,  
15 Plaintiffs,  
16 vs.  
17 Joseph. M. Arpaio, et. al.,  
18 Defendants.

**CASE NO: 2:07-CV-02513-GMS**

**DEFENDANT MARICOPA COUNTY,  
ARIZONA’S RESPONSE TO  
PLAINTIFFS’ MEMORANDUM IN  
SUPPORT OF A \$200,000 NOTICE  
BUDGET FOR CIVIL CONTEMPT  
COMPENSATION SCHEME  
PURSUANT TO THE COURT’S  
ORDER OF MAY 31, 2016**

19 Defendant MARICOPA COUNTY, ARIZONA (“the County”), hereby submits its  
20 Response to Plaintiffs’ Memorandum in Support of a \$200,000 Notice Budget for Civil  
21 Contempt Compensation Scheme Pursuant to the Court’s Order of May 31, 2016 (Doc.  
22 1696).<sup>1</sup> As mentioned by undersigned counsel at the May 31, 2016 hearing, for a period  
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24  
25 <sup>1</sup> The County’s position on this issue, as expressed herein, is not intended to, and should  
26 not be construed as, a waiver or compromise in any sense of the County’s position,  
27 previously communicated to the Court in Doc. 1688 and at the hearing on May 31, 2016,  
28 that Arizona counties lack the authority under Arizona law to provide funding for  
remedies to third parties allegedly injured as a result of unauthorized willful and/or

1 of months during the negotiations over a proposed victims compensation program among  
2 counsel for the Plaintiffs, the Sheriff, and the County, Plaintiffs' proposal was for a  
3 notice budget of \$125,000.

4         The eleventh-hour 60% increase in Plaintiffs' proposal appears to have been in  
5 response to a recent conference call with BrownGreer, LLC ("BrownGreer"), the  
6 proposed program administrator, in which the parties were informed by BrownGreer that,  
7 because the notice budget amount would not include certain administrative costs, those  
8 costs would diminish to some unspecified degree the amount of the budget allocation  
9 available to pay for media advertising and other efforts to disseminate information about  
10 the program to those potentially eligible to obtain benefits under it. In any event,  
11 Plaintiffs' last minute change in position on this issue foreclosed any discussion among  
12 the parties and BrownGreer prior to the May 31 hearing as to whether \$200,000,  
13 \$125,000, or some number in between those two, would be an appropriate figure for the  
14 notice budget.

15         In addition to the last-minute nature of Plaintiffs' change of position on this issue,  
16 there is the fact that there is simply no way to ascertain the precise amount needed for a  
17 notice budget that reasonably maximizes awareness among potentially eligible program  
18 participants before the point of diminishing returns is reached. Plaintiffs in their filing  
19 have basically reverted to the proposal originally put forth by BrownGreer at the very  
20 beginning of the parties' negotiations in May 2015, without providing any rationale that  
21 would support a conclusion that \$200,000 is any more the "right" amount than \$125,000.  
22 To this must be added the fact that, when BrownGreer's original proposal was circulated,  
23 it was emphasized that it was intended simply to provide the parties with ideas as to what  
24 *might* be done to disseminate information about the program, and that BrownGreer was  
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26  
27 intentional misconduct of Sheriffs and their deputies occurring in the context of their law  
28 enforcement functions.

1 not purporting to suggest that *all* of the elements of its proposal were essential to  
2 effective publication of the program.

3 In sum, BrownGreer, the parties, and the Court can only guess as to what may be  
4 the Goldilocks “just right” amount for effective dissemination of information about the  
5 program to potentially eligible participants, and Plaintiffs’ filing does nothing to make  
6 that “just right” figure any more readily ascertainable. That said, the Maricopa County  
7 Board of Supervisors, while mindful of its duty to avoid unnecessary expenditures of  
8 County resources, shares the interest of Plaintiffs and this Court in ensuring that as many  
9 potentially eligible participants as can reasonably be reached receive information about  
10 the program and have the opportunity to participate in it, if they choose to do so. For that  
11 reason and despite concerns that a \$200,000 notice budget may well involve expenditures  
12 that are beyond the point of diminishing returns, the County agrees to the \$200,000 notice  
13 budget recently proposed by Plaintiffs. Beyond that, the Maricopa County Board of  
14 Supervisors wishes the Court and the parties to know that it intends to monitor the notice  
15 process closely, and that it may supplement BrownGreer’s efforts with additional efforts  
16 to notify individuals within the special communities of interest who may be eligible for  
17 participation in this program.

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19 DATED: June 8, 2016

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21 WALKER & PESKIND, PLLC

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23  
24 By: /s/ Richard K. Walker  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2016, I electronically filed Defendant Maricopa County, Arizona's Response to Plaintiffs' Memorandum in Support of a \$200,000 Notice Budge for Civil Contempt Compensation Scheme Pursuant to the Court's Order of May 31, 2016 (Doc. 1696), with the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to all parties of record.

/s/ Michelle Giordano