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Attorneys for Plaintiffs

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

The Navajo Nation, a federally recognized
Indian Tribe, Joyce Nez, an individual,
Denise Johnson, an individual; Ashley Atene
Sr., an individual; Irene Roy, an individual;
Bonnie Tsosie, an individual; and Dale
Smith, an individual__,

Plaintiffs,

v.

Michele Reagan, in her official capacity as
Secretary of State for the State of Arizona;
Edison J. Wauneka, in his official capacity as
Apache County Recorder; Angela Romero in
her official capacity as Apache County
Elections Director; Doris Clark in her official
capacity as Navajo County Recorder, Rayleen
Richards, in her official capacity as Navajo
County Elections Director; Mark Mayrand in
his official capacity as Coconino County
Elections Director; and Patty Hansen, in her
official capacity as Coconino County
Recorder,

Defendants.

No. CV-18-08329-PCT-DWL

**PLAINTIFFS' MOTION TO
WITHDRAW EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND TO
VACATE HEARING SET FOR
NOVEMBER 26, 2018.**

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3 Plaintiffs Navajo Nation, on its own behalf and on behalf of its members, and Joyce
4 Nez and Ashley Atene, Sr. request leave of Court to withdraw its Emergency Motion for
5 Temporary Restraining Order and Motion to Set Hearing on Preliminary Injunction (“TRO
6 Motion”), Doc. 2, filed on Tuesday, November 20, 2018 and request that the hearing on the
7 TRO Motion, set for November 26, 2018 (*See* Doc. 11), be vacated. In support of this
8 Motion, Plaintiffs respectfully state:

9 1. Since the filing of the TRO Motion, the Navajo Nation has been in
10 communication with the Navajo County Attorney’s Office, Coconino County Attorney’s
11 Office, and the Apache County Attorney’s Office regarding the obstacles to voting
12 experienced by Navajo voters and identified in the Plaintiffs’ Verified Complaint for
13 Injunctive and Declaratory Relief (the “Complaint”).

14 2. Representatives of each of the three Defendant Counties have agreed to work
15 with the Navajo Nation to resolve the voting problems faced by Navajo Nation members and
16 to seek to settle the issues raised in the Complaint.

17 3. The Navajo Nation has advised a representative of each of the Navajo County
18 Attorney’s Office, Coconino County Attorney’s Office, and the Apache County Attorney’s
19 Office that it intends to request leave to withdraw the TRO Motion and vacate the hearing,
20 and none of the Defendant Counties objects.

21 4. The Navajo Nation has similarly advised by email the Assistant Attorney
22 General for the State of Arizona of its intention to request leave to withdraw its TRO Motion
23 and vacate the hearing.

24 5. The Plaintiffs intend to pursue the claims in its Complaint but will work with
25 the Defendant parties to reach a settlement.

26 WHEREFORE, Plaintiffs request that the Court grant the Plaintiffs Motion to
27 withdraw the TRO and vacate the November 26, 2018 Hearing.
28

1 DATED this 25th day of November, 2018.

2 SACKS TIERNEY P.A.

3
4 By: s/Patty A. Ferguson

5 Patty A. Ferguson

6 Judith M. Dworkin

7 Joe W. Keene

8 and

9 Ethel B. Branch

10 Paul Spruhan

11 NAVAJO NATION DEPARTMENT OF JUSTICE

12 *Attorneys for the Navajo Nation*

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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2018, I electronically transmitted the foregoing **PLAINTIFFS' MOTION TO WITHDRAW EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND TO VACATE HEARING SET FOR NOVEMBER 26, 2018** to the Clerk's Office using the CM/ECF System for filing.

s/Rebecca C. Urias