

Patty A. Ferguson-Bohnee (AZ 020996)
Patty.Ferguson@SacksTierney.com
Judith M. Dworkin (AZ 010849)
Judith.Dworkin@SacksTierney.com
Joe W. Keene (AZ 032623)
Joe.Keene@sackstierney.com
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251-3693
Telephone: 480.425.2600

Paul Spruhan (NM 12513)
pspruhan@nndoj.org
Navajo Nation Dept. of Justice
P.O. Drawer 2010
Window Rock, Arizona 86515
Telephone: (928) 871-6210
Facsimile: (928) 871-6177
Attorneys for Plaintiffs

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

The Navajo Nation, et al.,

Plaintiffs,

v.

Katie Hobbs, et al.,

Defendants.

No. CV-18-08329-PCT-DWL

**JOINT STATUS REPORT AND
MOTION FOR STAY**

Pursuant to this Court's April 29, 2019 Order (Doc. 42), the Plaintiffs (the Navajo Nation, Joyce Nez, Denise Johnson, Ashley Atene Sr., Irene Roy, Bonnie Tsosie, and Dale Smith), and Defendants (the Arizona Secretary of State Katie Hobbs, and the County Board of Supervisors and election officials from Apache, Navajo, and Coconino County) (collectively the "Parties"), through their undersigned counsel, submit the following Joint Status Report and Motion for Stay with a Proposed Order.

PROCEDURAL HISTORY OF CASE

On November 20, 2018, Plaintiffs filed *Navajo Nation et al., v. Regan et al.*, CV18-08329, in this Court on behalf of Navajo voters against the Arizona Secretary of State and

1 officials from Apache, Coconino, and Navajo Counties. The lawsuit requested a temporary
2 restraining order (“TRO”) and permanent injunctive relief alleging violations of the Voting
3 Rights Act and constitutional violations of the First and Fourteenth Amendments. The
4 claims included unequal access to early voting, unequal access to voter registration, lack of
5 opportunity to cure early ballots, and ineffective language assistance. Plaintiffs amended
6 their complaint on December 11, 2018 (Doc. 29). On December 24, 2018, the Parties filed
7 a Joint Motion for a Temporary Stay of Proceedings to allow for settlement discussions
8 (Doc. 35). On January 2, 2019, the Court issued an Order granting the Joint Motion staying
9 the case until May 2, 2019 (Doc. 36).

10 On April 23, 2019, the Parties filed a Joint Motion for a Temporary Stay of
11 Proceedings (Second Request) (“Joint Motion”) (Doc. 41) to allow for continued settlement
12 negotiations in order to resolve this matter. In its April 29, 2019 Order (Doc. 42), the Court
13 granted the Joint Motion and stayed the proceedings in this case until August 12, 2019, and
14 ordered the Parties to file a joint status report and proposed scheduling order by August 5,
15 2019.

16 **CURRENT STATUS OF CASE**

17 The Parties now inform the Court that settlement negotiations have been successful,
18 and the Parties anticipate finalizing settlement agreements within the next thirty-five days.
19 The Plaintiffs and Defendants from each county (Navajo, Apache, and Coconino) have
20 agreed in principle to the terms of their respective settlement agreements and are in the
21 process of finalizing each such agreement. Apache County’s Board of Supervisors
22 anticipates approving its settlement agreement at the next scheduled meeting on September
23 5, 2019; Navajo County’s Board of Supervisors anticipates approving its settlement
24 agreement at its meeting on August 13, 2019; and Coconino County’s Board of Supervisors
25 anticipates executing its settlement agreement at the next scheduled and noticed meeting on
26 August 20, 2019. The terms of these settlement agreements address areas of concern such
27 as early voting locations, language translations, voter registration, and voter
28 advertisements.

1 The Secretary of State and Plaintiffs' Navajo Nation, Joyce Nez, Denise Johnson,
2 Bonnie Tsosie, and Dale Smith have agreed to settlement terms. Plaintiff Ashley Atene
3 lives in a geographically isolated area, was out of town, and has not yet reviewed the
4 settlement agreement. The Plaintiffs' attorneys are using various methods to contact him
5 for his final approval of the proposed settlement agreement with the Secretary of State.

6 Because the Parties are finalizing the settlement agreements, the Parties respectfully
7 request that the Court defer the requirement that a proposed scheduling order be filed. The
8 Parties believe that a proposed scheduling order is unnecessary because they are now
9 finalizing their settlement agreements and will shortly seek to dismiss this case. The
10 Parties agree that it is in the best interest of judicial economy and conservation of the
11 Court's and Parties' resources to allow them to finalize their settlement agreements and
12 seek dismissal.

13 The Parties therefore respectfully request that the Court defer the requirement of a
14 proposed scheduling order and grant a thirty day stay of this above-captioned case to allow
15 for settlement, extending the current stay which ends on August 12, 2019. A Proposed
16 Order has been filed concurrently herewith.

17 Respectfully submitted this 5th day of August, 2019.

18 By: s/ Patty A. Ferguson-Bohnee

19 Patty A. Ferguson-Bohnee

20 Judith M. Dworkin

21 Joe Keene

22 and

23 Paul Spruhan

24 NAVAJO NATION DEPARTMENT OF
25 JUSTICE

26 *Attorneys for the Plaintiffs*

27 BRAD CARLYON

28 Navajo County Attorney

By: s/ Jason S. Moore

Jason S. Moore

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Deputy County Attorney
Attorneys for Navajo County officials

WILLIAM P. RING
Coconino County Attorney

By: s/ Rose Winkeler
Rose Winkeler
Deputy County Attorney
Attorneys for Coconino County officials

MICHAEL B. WHITING
Apache County Attorney

By: s/ Joe Young
Joe Young
Chief Deputy County Attorney
Attorneys for Apache County officials

Mark Brnovich
Attorney General

By: s/ Joseph E. La Rue
Joseph E. La Rue
Kara Karlson
Assistant Attorneys General
*Attorneys for Defendant Arizona Secretary of
State Katie Hobbs*

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2019, I electronically transmitted the foregoing
JOINT STATUS REPORT AND MOTION FOR STAY to the Clerk's Office using the
CM/ECF System for filing.

s/ Rebecca C. Urias