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**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 SECOND MEMORANDUM
REGARDING RETENTION OF
JURISDICTION**

Pursuant to this Court’s August 22, 2019 Order (Doc. 49) (“Order”), the Plaintiffs (the Navajo Nation and individual Navajo Nation members) and Defendant Arizona Secretary of State Katie Hobbs (collectively the “Parties”), submit this Joint Memorandum addressing the issues raised in the Order.

1. The Parties request retention of jurisdiction over the curing process.

In the Order, the Court stated that it “is willing to retain jurisdiction concerning the first obligation because it is a one-time obligation the Secretary of State must perform at least 90 days before the next election.” Order at 2. The Court then asks the Parties to “confirm that the Secretary’s obligation is limited to including the proposed language in the *draft* version

1 of the next Elections Procedure Manual, not guaranteeing that it appears in the *final* version
2 of the next Elections Procedure Manual.” *Id.* (emphasis in original).

3 The Parties confirm that under the Settlement Agreement, the Secretary’s obligation
4 is to include language in the Draft Election Procedures Manual and not the final version of
5 the Election Procedures Manual. *See* Settlement Agreement at 3 (“The Secretary shall cause
6 language to be included in the next Draft Elections Procedures Manual . . .”). As the Court
7 pointed out in its Order, on page 4 of the Settlement Agreement, it states that the “Plaintiffs
8 understand and acknowledge that the Secretary cannot, by herself, enact a new Elections
9 Procedures Manual,” and the “Governor and Attorney General must give their approval to
10 the draft manual before the Secretary can issue it as the Elections Procedures Manual.”
11 Settlement Agreement at 4.

12 **2. The Parties withdraw their request for the Court to retain jurisdiction over the**
13 **Navajo-language translation of the Publicity Pamphlet.**

14 Having met and conferred over this issue, the Parties seek to withdraw their request
15 for the Court to retain jurisdiction over the obligation that the Secretary “continue to use
16 certified Navajo translators to coordinate and make available the Navajo-language translation
17 of ballot measure language in the Publicity Pamphlet.” Order at 2 (quoting Settlement
18 Agreement at 4). This request does not impact the Parties’ duties or rights under the
19 Settlement Agreement.

20 **CONCLUSION**

21 For the reasons set forth herein, the Parties respectfully request that the Court only
22 retain jurisdiction over Section 1 of the Settlement Agreement, the “Missing-Signature Cure
23 Opportunity” section. The Parties have filed concurrently herewith a new Proposed Order
24 dismissing this case with prejudice and only retaining jurisdiction over the Secretary’s
25 obligation to put new language in the draft Election Procedures Manual.

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Respectfully submitted this 30th day of August, 2019.

By: s/ Patty A. Ferguson-Bohnee

Patty A. Ferguson-Bohnee

Judith M. Dworkin

Joe Keene

and

Paul Spruhan

NAVAJO NATION

DEPARTMENT OF JUSTICE

Attorneys for the Plaintiffs

By: s/ Joseph E. La Rue with permission

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Arizona Secretary of State Katie Hobbs

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2019, I electronically transmitted the foregoing
JOINT SECOND MEMORANDUM REGARDING RETENTION OF JURISDICTION to
the Clerk's Office using the CM/ECF System for filing.

s/ Rebecca C. Urias

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