

**COCONINO COUNTY ARIZONA**

OFFICE OF THE COUNTY ATTORNEY

100 E. BIRCH AVE. FLAGSTAFF, AZ 86001 (520) 779-6518

Date: 10-3-06

**MEMORANDUM**

TO: Attn: Lisa Calero, Office of the Clerk, U.S. Court of Appeals, Ninth Circuit  
FAX: 415-556-8181

cc: *7 pp.*  
David Rosenbaum, Thomas Hudson, Sara Greene (602-640-6051; David Bodney, Karen J. Hartman-Tellez (602-257-5299); Peter Silverman, Mary O'Grady, Williams Richards (602-542-8308); Catherine Stewart, Bruce Skolnik (520-628-6050); Colleen Connor (602-506-6083); Dennis Wilenchik, Kathleen Rapp (602-606-2811).

FROM: Jean Wilcox, Deputy County Attorney

RE: Maria M. Gonzalez et al. V. State of Arizona et al., No. 06-16706

Attached is a copy of Coconino County Defendants' Response to ITCA Plaintiffs' Emergency Motion for Injunction Pending Appeal. A hard copy will be sent today as well.

No. 06-16706

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**In the United States Court of Appeals  
for the Ninth Circuit**

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MARIA M. GONZALEZ, ET AL.,

*Plaintiffs/Appellants,*

v.

STATE OF ARIZONA, ET AL.,

*Defendants/Appellees.*

---

**On Appeal from the United States District Court  
for the District of Arizona  
Cause No. CV-06-01268-PHX-ROS**

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**COCONINO COUNTY DEFENDANTS' RESPONSE TO  
INJUNCTION PENDING APPEAL**

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Terence C. Hance  
Coconino County Attorney  
David W. Rozema  
Chief Deputy Attorney  
Jean E. Wilcox  
Deputy County Attorney  
110 E. Cherry Avenue  
Flagstaff, AZ 86001  
Telephone: (928) 779-6518  
Fax: (928) 779-5618

*Counsel for Coconino County Defendants*

No. 06-16706

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David W. Rozema  
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110 E. Cherry Avenue  
Flagstaff, AZ 86001  
Telephone: (928) 779-6518  
Fax: (928) 779-5618

*Counsel for Coconino County Defendants*

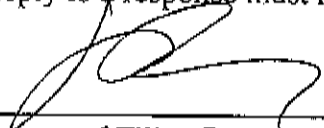
CERTIFICATE OF COMPLIANCE

Pursuant to Ninth Circuit Rule 27(d), I certify that the COCONINO COUNTY DEFENDANTS' RESPONSE TO INJUNCTION PENDING APPEAL is

  X  

Double-spaced and does not exceed   20   pages (a motion or a response to a motion must not exceed 20 pages; a reply to a response must not exceed 10 pages).

  10-3-06    
Date

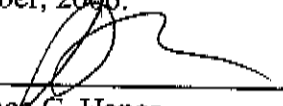
  
\_\_\_\_\_  
Signature of Filing Party

For the reasons outlined in Coconino County Defendants' Response in Non-Opposition to Plaintiff's Motion for Preliminary Injunction (App. Tab C—Response of Coconino County), Coconino County supports the ITCA Plaintiffs' request for a stay of Proposition 200 in connection with the upcoming general election to be held on November 7, 2006. Staying Proposition 200 for the general election cannot cause *any* constitutional harm or irreparable injury; it will simply mean delaying implementation of Proposition 200's radical changes while this Court determines whether Proposition 200 passes constitutional scrutiny. Denying the Motion, however, will result in the disenfranchisement of thousands of voters in the general election before this Court has had an opportunity to determine whether the Constitution permits that disenfranchisement. As the record in this matter demonstrates, Coconino County officials will easily be able to conduct the general election, as it has for decades, without the requirements of Proposition 200.

Coconino County Defendants respectfully request that the Court grant the Stay requested by ITCA Plaintiffs.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of October, 2006.

By \_\_\_\_\_

  
Terence C. Hance  
Coconino County Attorney  
David W. Rozema  
Chief Deputy Attorney  
Jean E. Wilcox  
Deputy County Attorney  
110 E. Cherry Avenue  
Flagstaff, AZ 86001

**CERTIFICATE OF MAILING**

Original and four copies of the foregoing sent  
via Federal Express this 3<sup>rd</sup> day of October,  
2006 to:

Office of the Clerk  
James R. Browning Courthouse  
U.S. Court of Appeals  
95 Seventh Street  
San Francisco, CA 94103-1526

Copy of the foregoing faxed and mailed this  
3<sup>rd</sup> day of October, 2006, to:

Attn: Lisa Calero  
Office of the Clerk  
U.S. Court of Appeals  
95 Seventh Street  
San Francisco, CA 94103-1526  
Fax: (415) 556-8181

David B. Rosenbaum  
Thomas L. Hudson  
Sara S. Greene  
OSBORN MALEDON, P.A.  
2929 North Central Avenue, Suite 2100  
Phoenix, AZ 85012-2793  
Fax: (602) 640-6051

David J. Bodney  
Karen J. Hartman-Tellez  
STEPTOE & JOHNSON, LLP  
Collier Center  
201 E. Washington St., Suite 1600  
Phoenix, AZ 85004-2382  
Fax: (602) 257-5299

Peter Alex Silverman  
Mary Ruth O'Grady  
William A. Richards  
Office of the Attorney General  
1275 W. Washington Street

Phoenix, AZ 85007-2926  
Fax: (602) 542-8308

Catherine M. Stewart  
Bruce L. Skolnik  
Assistants Attorney General  
Liability Management Section  
177 North Church, Suite 1105  
Tucson, AZ 85701  
Fax: (520) 628-6050

M. Colleen Connor  
MCAO Division of County Counsel  
222 N. Central Avenue, Suite 1100  
Phoenix, AZ 85003  
Fax: (602) 506-6083

Dennis I. Wilenchik  
Kathleen Rapp, SBN  
Wilenchik and Bartness, P.C.  
The Wilenchik & Bartness Building  
2810 N. Third Street  
Phoenix, AZ 85004  
Fax: (602) 606-2811

Meredith Rankin  
Meredith Rankin