

EXHIBIT C

1 suggested that the MCSO-Montgomery investigation might be an attempt to undermine
2 the Court’s authority rather than comply with its lawful orders.² This was particularly
3 problematic in light of the Monitor’s recent finding that MCSO was only 29 percent in
4 compliance with the Supplemental Injunction despite the passage of one-and-a-half years.

5 The movants’ allegation that the Court “requested that the U.S. Attorney function
6 as his investigator to determine whether criminal contempt of his Preliminary Injunction
7 had occurred” (Mot. at 7) is false. The Court invited the U.S. Attorney’s Office to attend
8 status conferences in this case so that the government would be apprised of the facts and
9 would be in a position to make an independent determination whether to proceed with a
10 criminal contempt prosecution, if the Court were to make a referral in the future. Tr. of
11 Dec. 4, 2014 at 29:5-9, 29:24-30:3. Defendants did not object to the presence of a federal
12 prosecutor or even to the Court’s suggestion that relevant documents be provided to the
13 U.S. Attorney’s Office. *Id.* at 30:4-14. Moreover, Defendants themselves subsequently
14 sought the participation of the United States Attorney’s Office in their efforts to settle the
15 contempt issues. Tr. of Feb. 26, 2015 at 32:23-34:1, 34:2-6, 34:8-17. Contrary to the
16 movants’ assertion, the U.S. Attorney’s Office never declined any referral, as none has
17 yet been made. Tr. of Mar. 20, 2015 at 28:2-6.

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² Even more troubling, as the Court noted in a post-hearing status conference, the evidence indicates that Dennis Montgomery informed MCSO personnel—with Chief Deputy Sheridan’s knowledge—that he was using a database of information “harvested by the CIA and confiscated by him” in his investigation, and also purported to be tracking telephone calls between the Court, the Attorney General, the Assistant Attorney General, and the U.S. Attorney for the District of Arizona. Tr. of May 14, 2015 at 44:22-45:2, 45:10-16; Wang Decl., Ex. C, F. This implicates possible violations of federal criminal laws by MCSO personnel in the course of the MCSO-Montgomery investigation. See, e.g., 18 U.S.C. §§ 793(b)-(f) (taking or communication of documents relating to national defense); 798 (disclosure of classified information); 1503 (intimidation of federal court and obstruction of justice); 1509 (obstruction of court orders); 1924 (unauthorized removal of classified information); 2511 (intercepting electronic communications); 2701 (unlawful access to stored communications).

10-A3-B EXH #2934
WITNESS Zullo
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