

1 Jonathon A. Moseley
Freedom Watch, Inc.
2020 Pennsylvania Avenue N.W., Suite 345
2 Washington, D.C. 20006
(310) 595-0800
3 leklayman@gmail.com
Attorney for Intervenors
4

5 *(Pro hac vice pending)*

6 Larry Klayman
Freedom Watch, Inc.
2020 Pennsylvania Avenue N.W., Suite 345
7 Washington, D.C. 20006
(310) 595-0800
8 leklayman@gmail.com
Attorney for Intervenor
9

10 Of Counsel

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

12 MANUEL de JESUS ORTEGA MELENDRES, on
13 behalf of himself and all others similarly
situated; *et al.*

14 Plaintiff,

15 v.

16 JOSEPH M. ARPAIO, in his individual
17 And official capacity as Sheriff of Maricopa
County, Arizona; *et al.*

18 Defendants.
19

20 DENNIS L. MONTGOMERY

21 Intervenor.
22

Civil Action No.
CV-07-2513-PHX-GMS

23 **DENNIS L. MONTGOMERY'S MOTION FOR INTERVENTION OF RIGHT**

24 Pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 24(a)(2) Dennis L.

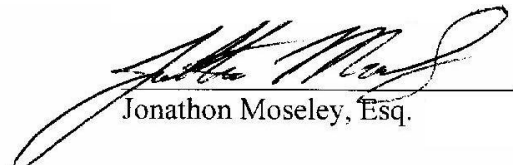
25 Montgomery hereby moves to intervene as of right in order, as further explained in his companion

26 Memorandum of Law and also his proposed motions.
27
28

1 Dennis Montgomery intervenes to demand a return of his documents, records, work product
2 and proprietary interests; to move to strike false information about him from the record, which is
3 also irrelevant to the proceedings, to disqualify the Honorable Murray Snow and file a demand for
4 the immediate transfer of the case to a different judge pursuant to 28 U.S. Code § 144, and to move
5 for a halt to the inquiry.
6

7 Dated: May 7, 2015

8 Respectfully submitted,
9 Larry Klayman, Esq.
10 Washington, D.C. Bar No. 334581
11 Freedom Watch, Inc.
12 2020 Pennsylvania Avenue N.W., Suite 345
13 Washington, D.C. 20006
14 (310) 595-0800
15 leklayman@gmail.com
16 Of Counsel
17 (*Pro Hac Vice Application Pending*)

18 
19 Jonathon Moseley, Esq.

20 Virginia State Bar No. 41058
21 Freedom Watch, Inc.
22 2020 Pennsylvania Avenue N.W., Suite 345
23 Washington, D.C. 20006
24 (310) 595-0800
25 leklayman@gmail.com
26 Attorney for Plaintiff
27 (*Pro Hac Vice Application Filed*)
28

CERTIFICATE OF SERVICE

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I hereby certify that on May 7, 2015, I served this document by U.S. Mail to:

Honorable John Z. Boyle
United States District Courthouse
Sandra Day O'Connor U.S. Courthouse, Suite 322
401 West Washington Street, SPC 75
Phoenix, AZ 85003-2160

Honorable G. Murray Snow
United States District Courthouse
Sandra Day O'Connor U.S. Courthouse, Suite 322
401 West Washington Street, SPC 75
Phoenix, AZ 85003-2160

Stanley Young, Esq.
Andrew Carl Byrnes, Esq.
COVINGTON & BURLING, LLP
333 Twin Dolphin Road
Redwood Shores, CA 94065
Attorneys for Plaintiffs

Daniel Pochoda, Esq.
ACLU FOUNDATION OF ARIZONA
3707 N. 7th Street, Suite 235
Phoenix, AZ 85014
Attorney for Plaintiffs

Cecilia D. Wang
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
39 Drumm Street
San Francisco, CA 94111
cwang@aclu.org
Attorney for Plaintiff Melendres

Thomas P. Liddy, Esq.
CIVIL SERVICES DIVISION
MARICOPA COUNTY ATTORNEY'S OFFICE
222 North Central Avenue, Suite 1100
Phoenix, AZ 85005
liddyt@mcao.maricopa.gov
Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office

Michele M. Iafrate, Esq.
IAFRATE & ASSOCIATES

1 649 North Second Avenue
Phoenix, AZ 85003

2 miafrate@iafratelaw.com

Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office

3
4 Deborah L. Garner, Esq.
IAFRATE & ASSOCIATES
5 649 North Second Avenue
Phoenix, AZ 85003

6 miafrate@iafratelaw.com

Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office

7
8 Melvin McDonald
JONES SKELTON & HOCHULI, PLC
9 2901 N. Central Avenue, Suite 800
Phoenix, AZ 85012-2728

10 mmcdonald@jshfirm.com

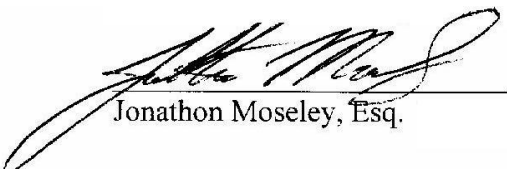
Attorney for Defendant Sheriff Joseph Arpaio

11
12 Andre Segura, Esq.
ACLU FOUNDATION
13 IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Fl.
14 New York, NY 10004
Attorney for Plaintiffs

15
16 Anne Lai
UCI School of Law
17 401 E. Peltason Drive. Suite 3500
Irvine, CA 92616

18
19 Jorge M. Castillo
MALDEF
20 634 S. Spring Street, 11th Fl.
Los Angeles, CA 90014
Attorney for Plaintiffs

21
22 Richard K. Walker
WALKER & PESKIND, PLLC
23 16100 N. 71st Street, Suite 140
Scottsdale, AZ 85254-2236
24 *Attorney for Defendant Maricopa County*

25
26 
27 Jonathon Moseley, Esq.

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2
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Virginia State Bar No. 41058
Freedom Watch, Inc.
2020 Pennsylvania Avenue N.W., Suite 345
Washington, D.C. 20006
(310) 595-0800
leklayman@gmail.com
Attorney for Plaintiff

(Pro Hac Vice Application Filed)

1 Jonathon A. Moseley
Freedom Watch, Inc.
2020 Pennsylvania Avenue N.W., Suite 345
2 Washington, D.C. 20006
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21 Intervenors.
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Civil Action No.
CV-07-2513-PHX-GMS

23 **INTERVENOR DENNIS L. MONTGOMERY'S MEMORANDUM OF LAW IN SUPPORT**
24 **OF MOTION FOR INTERVENTION OF RIGHT**

25 **I. INTRODUCTION**

26 Pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 24(a)(2) Dennis L.
27
28

1 Montgomery hereby moves to intervene as of right in order to protect and vindicate his interests in
2 being improperly investigated and having his documents, records, work product and intellectual
3 property seized by the Court without any privilege review or protections for his propriety interests.

4 Dennis Montgomery intervenes to demand a return of his documents, records, work product and
5 intellectual property; to move to strike false information about him from the record, which is also
6 irrelevant to the proceedings, to file a demand for recusal or disqualification and the immediate
7 transfer of the case to a different judge pursuant to 28 U.S. Code § 144, and move for a halt to the
8 inquiry.
9

10 **II. GOVERNING LAW**

11 Federal Rules of Civil Procedure (“FRCP”) Rule 24 governs intervention by
12 additional parties in existing litigation in the federal courts: ¹

13 Rule 24. Intervention

14 (a) INTERVENTION OF RIGHT. On timely motion, the court must permit anyone
15 to intervene who:

16 (1) is given an unconditional right to intervene by a federal statute;

17 or

18 (2) claims an interest relating to the property or transaction that is
19 the subject of the action, and is so situated that disposing of the action
20 may as a practical matter impair or impede the movant's ability to
21 protect its interest, unless existing parties adequately represent that
22 interest.

23 (b) PERMISSIVE INTERVENTION.

24 (1) *In General*. On timely motion, the court may permit anyone to
25 intervene who:

26 (A) is given a conditional right to intervene by a federal statute;

27 or

28 (B) has a claim or defense that shares with the main action a
common question of law or fact.

¹ It does not appear that the Local Rules of the U.S. District Court for the District of Arizona present any additional rules or requirements for intervention.

1 (2) *By a Government Officer or Agency.* On timely motion, the court
2 may permit a federal or state governmental officer or agency to intervene if
3 a party's claim or defense is based on:

4 (A) a statute or executive order administered by the officer or
5 agency; or

6 (B) any regulation, order, requirement, or agreement issued or
7 made under the statute or executive order.

8 (3) *Delay or Prejudice.* In exercising its discretion, the court must
9 consider whether the intervention will unduly delay or prejudice the
10 adjudication of the original parties' rights.

11 (c) NOTICE AND PLEADING REQUIRED. A motion to intervene must be served
12 on the parties as provided in Rule 5. The motion must state the grounds for
13 intervention and be accompanied by a pleading that sets out the claim or
14 defense for which intervention is sought.

15 **III. STATEMENT OF FACTS RELEVANT TO MOTION**

16 There has been a dramatic change of this case, so that the case is now about entirely
17 different albeit irrelevant, personal issues concerning the presiding judge and his wife in a new
18 phase than when it began. The Court entered a final order on October 2, 2013. This is, in effect,
19 now an entirely different case which is being used for improper purposes.

20 On or about April 23-24, 2015, the Honorable G. Murray Snow embarked on an inquiry of
21 Dennis L. Montgomery extensively inquiring about the alleged dealings with the Maricopa County
22 Sheriff's Office ("MCSO") and Cold Case Posse entirely unrelated to this litigation, seizing by his
23 unprecedented and improper court order Dennis Montgomery's documents, records, work product,
24 and intellectual property, and even demanding documents about and concerning Dennis
25 Montgomery's attorney and a federal judge in the District of Columbia.

26 Mr. Montgomery's physical personal property and intellectual property has been affected
27 and taken. Montgomery's proprietary interests have been invaded along with his attorney work
28 product subject to privilege and other privileged material, documents, and/or information.
Montgomery was deprived of the right to review the documents to protect privileged information
and/or documents and proprietary information.

1 Judge Snow explicitly relied upon the so-called reporting from The Phoenix New Times, a
2 disreputable and dishonest internet publication with a far-left political agenda which hates anyone
3 remotely associated with Sheriff Joe Arpaio or his office.

4 As a result, the substance of the allegations which the inquiry is pursuing, based on the so-
5 called reporting of The Phoenix New Times, clearly includes making profoundly significant
6 determinations about Dennis Montgomery's honesty, legitimacy, career, work, and profession.

7
8 **IV. ARGUMENT**

9 **A. Dennis Montgomery Has a Direct Interest in the Property and Transaction**

10 Dennis Montgomery has a vested right to intervene. Pursuant to FRCP Rule 24(a)(2)
11 Dennis Montgomery claims an interest in property or transaction that is the subject of the action.
12 The Court has seized his physical property and intellectual property, and attorney-client and work
13 product privileges have been violated and trashed. Montgomery seeks to file motions to quash and
14 for the return of his documents, property, and intellectual property.

15 **B. Dennis Montgomery Will Be Impaired or Impeded**

16
17 Dennis Montgomery has a vested right to intervene as a matter of law and right. Pursuant to
18 FRCP Rule 24(a)(2) Dennis Montgomery is so situated that disposing of the action will as a
19 practical matter impair or impede his ability to protect his interest. The inquiry now launched is
20 obviously intended to and will make decisions about Dennis Montgomery and his work, as well as
21 harm his legal rights and interests.

22 **C. The Motion is Timely**

23
24 Intervenor's motion is timely. Although the litigation has been going on for years, the case
25 has entered a new and different phase only in late April of 2015. The case only began to involve
26 Dennis Montgomery in April 2015. Therefore, Intervenor files this motion timely as soon as his
27 interests became involved in the case by the actions of Judge Snow.

1 **V. CONCLUSION**

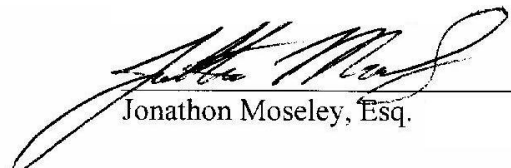
2 Dennis L. Montgomery has a vested right to intervene pursuant to FRCP Rule 24(a)(2) and
3 should be granted the status of Intervenor for the purpose of seeking a transfer of the case to another
4 judge, demanding return of his documents and intellectual property including by quashing the
5 orders for their production, striking libelous information from the court record that have nothing to
6 do with the ongoing contempt proceedings. Mr. Montgomery is also filing a motion to disqualify
7 Judge Snow on the basis of his unethical judicial misconduct, which has resulted in him pursuing
8 his own personal family interests and agenda, and egregiously violating attorney-client privileges
9 and Mr. Montgomery's work product and intellectual property rights.
10

11 Dated: May 7, 2015

Respectfully submitted,

12
13 Larry Klayman, Esq.
14 Washington, D.C. Bar No. 334581
15 Freedom Watch, Inc.
16 2020 Pennsylvania Avenue N.W., Suite 345
17 Washington, D.C. 20006
18 (310) 595-0800
19 leklayman@gmail.com

Of Counsel

20
21 
22 Jonathon Moseley, Esq.

23 Virginia State Bar No. 41058
24 Freedom Watch, Inc.
25 2020 Pennsylvania Avenue N.W., Suite 345
26 Washington, D.C. 20006
27 (310) 595-0800
28 leklayman@gmail.com
Attorney for Plaintiff

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401 West Washington Street, SPC 75
Phoenix, AZ 85003-2160

10 Stanley Young, Esq.
11 Andrew Carl Byrnes, Esq.
12 COVINGTON & BURLING, LLP
13 333 Twin Dolphin Road
Redwood Shores, CA 94065
Attorneys for Plaintiffs

14 Daniel Pochoda, Esq.
15 ACLU FOUNDATION OF ARIZONA
16 3707 N. 7th Street, Suite 235
Phoenix, AZ 85014
Attorney for Plaintiffs

18 Cecilia D. Wang
19 ACLU FOUNDATION
20 IMMIGRANTS' RIGHTS PROJECT
39 Drumm Street
San Francisco, CA 94111
cwang@aclu.org
Attorney for Plaintiff Melendres

22 Thomas P. Liddy, Esq.
23 CIVIL SERVICES DIVISION
24 MARICOPA COUNTY ATTORNEY'S OFFICE
222 North Central Avenue, Suite 1100
25 Phoenix, AZ 85005
liddyt@mcao.maricopa.gov
26 *Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office*

27 Michele M. Iafrate, Esq.
28

1 IAFRATE & ASSOCIATES

2 649 North Second Avenue

3 Phoenix, AZ 85003

4 miafrate@iafratelaw.com

5 *Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office*

6 Deborah L. Garner, Esq.

7 IAFRATE & ASSOCIATES

8 649 North Second Avenue

9 Phoenix, AZ 85003

10 miafrate@iafratelaw.com

11 *Attorney for Defendant Joseph Arpaio and Maricopa County Sheriff's Office*

12 Melvin McDonald

13 JONES SKELTON & HOCHULI, PLC

14 2901 N. Central Avenue, Suite 800

15 Phoenix, AZ 85012-2728

16 mmcdonald@jshfirm.com

17 *Attorney for Defendant Sheriff Joseph Arpaio*

18 Andre Segura, Esq.

19 ACLU FOUNDATION

20 IMMIGRANTS' RIGHTS PROJECT

21 125 Broad Street, 18th Fl.

22 New York, NY 10004

23 *Attorney for Plaintiffs*

24 Anne Lai

25 UCI School of Law

26 401 E. Peltason Drive. Suite 3500

27 Irvine, CA 92616

28 Jorge M. Castillo

MALDEF

634 S. Spring Street, 11th Fl.

Los Angeles, CA 90014

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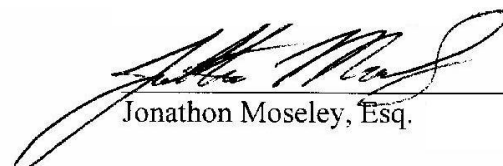
Richard K. Walker

WALKER & PESKIND, PLLC

16100 N. 71st Street, Suite 140

Scottsdale, AZ 85254-2236

Attorney for Defendant Maricopa County


Jonathon Moseley, Esq.

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24
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2020 Pennsylvania Avenue N.W., Suite 345
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leklayman@gmail.com
Attorney for Plaintiff

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