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20 **IN THE SUPERIOR COURT OF ARIZONA**
21 **IN AND FOR THE COUNTY OF MARICOPA**

22 STATE OF ARIZONA ex rel. Attorney
23 General Thomas C. Horne,
24 *Plaintiff,*

25 vs.

26 MARICOPA COUNTY COMMUNITY
COLLEGE DISTRICT BOARD,
Defendant.

CASE NO. 2013-009093

**INTERVENOR-DEFENDANTS'
ANSWER**

(Assigned to the Hon. Arthur Anderson)

1 Intervenor-Defendants ABEL BADILLO and BIBIANA VAZQUEZ (“Intervenor-
2 Defendants”), by and through counsel, answer the Plaintiff’s Complaint as follows:

3 1. Intervenor-Defendants admit the allegations in paragraphs 1-3 of the
4 Complaint.

5 2. In response to paragraph 4 of the Complaint, Intervenor-Defendants admit that
6 the Attorney General is the chief legal officer and deny the remaining allegations in
7 paragraph 4.

8 3. In response to paragraphs 5-8 of the Complaint, Intervenor-Defendants state
9 that the statutes cited speak for themselves, state that recipients of the Deferred Action for
10 Childhood Arrivals (“DACA”) program who meet in-state tuition requirements cannot be
11 legally denied in-state tuition rates and deny the remaining allegations of paragraphs 5-8.

12 4. In response to paragraphs 9-11 of the Complaint, Intervenor-Defendants state
13 that the statutes cited speak for themselves and that the remainder of paragraph 9-11 do not
14 state facts and instead call for a legal conclusion to which no response is required. To the
15 extent a response is required, Intervenor-Defendants affirmatively state that DACA-
16 recipients who meet in-state tuition requirements cannot be legally denied in-state tuition
17 rates and deny the remaining allegations of paragraphs 9-11.

18 5. In response to paragraph 12 of the Complaint, Intervenor-Defendants state that
19 the statute cited speaks for itself, affirmatively state that DACA-recipients who meet in-state
20 tuition requirements cannot be legally denied in-state tuition rates and deny the remaining
21 allegations of paragraph 12.

22 6. In response to paragraph 13 of the Complaint, Intervenor-Defendants admit
23 that Proposition 300 is protected by the Voter Protection Act of the Arizona Constitution,
24 state that the Voter Protection Act speaks for itself and that the remaining portions of
25 paragraph 13 do not state facts and instead call for a legal conclusion to which no response is
26 required. To the extent a response is required, Intervenor-Defendants affirmatively state that

1 DACA-recipients who meet in-state tuition requirements cannot be legally denied in-state
2 tuition rates and deny the remaining allegations of paragraph 13.

3 7. Intervenor-Defendants admit the allegations in paragraph 14.

4 8. In response to paragraph 15 of the Complaint, Intervenor-Defendants admit
5 that USCIS has “established a process for DACA-eligible individuals to request deferred
6 prosecution and to obtain authorization to work,” state that the Forms and Form instructions
7 cited speak for themselves, affirmatively state that DACA-recipients who meet in-state
8 tuition requirements cannot be legally denied in-state tuition rates and deny the remaining
9 allegations of paragraph 15.

10 9. In response to paragraph 16 of the Complaint, Intervenor-Defendants admit
11 that USCIS has established a process for deferring prosecution of individuals who meet
12 specific conditions, and allows those individuals to apply for employment authorization
13 documents, state that the DACA proclamation speaks for itself, and state that the remainder
14 of paragraph 16 does not state facts and instead calls for a legal conclusion to which no
15 response is required. To the extent a response is required, Intervenor-Defendants
16 affirmatively state that DACA-recipients who meet in-state tuition requirements cannot be
17 legally denied in-state tuition rates and deny the remaining allegations of paragraph 16.

18 10. In response to paragraph 17 of the Complaint, Intervenor-Defendants state that
19 the statute speaks for itself, and state that the remainder of paragraph 17 does not state facts
20 and instead calls for a legal conclusion to which no response is required. To the extent a
21 response is required, Intervenor-Defendants affirmatively state that DACA-recipients who
22 meet in-state tuition requirements cannot be legally denied in-state tuition rates and deny the
23 remaining allegations of paragraph 17.

24 11. In response to paragraph 18, Intervenor-Defendants do not have sufficient
25 information to admit or deny whether Maricopa County Community College District Board
26 (“MCCCD”) asserts that an employment authorization document permits it to ignore the law.
Intervenor-Defendants state that the remainder of paragraph 18 does not state facts and

1 instead calls for a legal conclusion to which no response is required. To the extent a
2 response is required, Intervenor-Defendants affirmatively state that DACA-recipients who
3 meet in-state tuition requirements cannot be legally denied in-state tuition rates and deny the
4 remaining allegations of paragraph 18.

5 12. In response to paragraph 19 of the Complaint, Intervenor-Defendants state that
6 the statutes speak for themselves, and state that the remainder of paragraph 19 does not state
7 facts and instead calls for a legal conclusion to which no response is required. To the extent
8 a response is required, Intervenor-Defendants affirmatively state that DACA-recipients who
9 meet in-state tuition requirements cannot be legally denied in-state tuition rates and deny the
10 remaining allegations of paragraph 19

11 13. In response to paragraph 20, Intervenor-Defendants do not have sufficient
12 information to admit or deny when the Attorney General discovered that MCCCCD was
13 granting in-state tuition rates to DACA-recipients. Intervenor-Defendants state that the
14 remainder of paragraph 20 does not state facts and instead calls for a legal conclusion to
15 which no response is required. To the extent a response is required, Intervenor-Defendants
16 affirmatively state that DACA-recipients who meet in-state tuition requirements cannot be
17 legally denied in-state tuition rates and deny the remaining allegations of paragraph 20.

18 14. Intervenor-Defendants admit the allegations in paragraph 21 of the Complaint.

19 15. In response to paragraph 22 of the Complaint, Intervenor-Defendants reallege
20 and incorporate each and every response to preceding paragraphs of the Complaint.

21 16. In response to paragraph 23 of the Complaint, Intervenor-Defendants do not
22 have sufficient information to admit or deny whether an expedited declaration is warranted,
23 affirmatively state that DACA-recipients who meet in-state tuition requirements cannot be
24 legally denied in-state tuition rates and deny the remaining allegations in paragraph 23.

25 17. In response to paragraph 24 of the Complaint, Intervenor-Defendants reallege
26 and incorporate each and every response to preceding paragraphs of the Complaint.

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- D. That the Court award the Intervenor-Defendants and Defendant MCCCCD their attorneys' fees and costs incurred in this matter to the extent that the Court deems appropriate;
- E. That this Court order such other and further relief for Intervenor-Defendants and Defendant MCCCCD as this Court may deem just and proper.

DATED this 8th day of April, 2014.

MEXICAN AMERICAN LEGAL DEFENSE
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&

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/s/ Nathan J. Fidel

By: _____

José de Jesús Rivera
Nathan J. Fidel

Attorneys for the Intervenor-Defendants

1 THE FOREGOING has been electronically
2 Filed this 8th day of April, 2014

3 COPY mailed and e-mailed this 8th day
4 of April, 2014, to:

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20 /s/ Jennie Larsen

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