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9
10 **SUPERIOR COURT OF ARIZONA**

11 **MARICOPA COUNTY**

12 STATE OF ARIZONA ex rel. Attorney
General Thomas C. Horne,

13
14 Plaintiff,

15 vs.

16 MARICOPA COUNTY COMMUNITY
COLLEGE DISTRICT BOARD,

17 Defendant,

18 ABEL BADILLO, BIBIANA VAZQUEZ,
and BIBIANA CANALES

19
20 Intervenor-Defendants.

21 ABEL BADILLO, BIBIANA VAZQUEZ,
and BIBIANA CANALES

22
23 Counter-Plaintiffs,

24 vs.

25 STATE OF ARIZONA ex rel. Attorney
General Thomas C. Horne,

26
27
28 Counter-Defendant.

Case No. CV2013-009093

**ARIZONA'S STATEMENT OF
FACTS IN SUPPORT OF ITS
MOTION FOR SUMMARY
JUDGMENT ON THE STUDENT
INTERVENORS' CLAIMS**

(Assigned to the Honorable Arthur
Anderson)

1 Plaintiff the State of Arizona ex rel. Attorney General Thomas C. Horne (Arizona)
2 presents the following Statement of Facts in support of its Motion for Summary Judgment
3 on the Student Intervenors' claims.

4 1. The Student Intervenors have been granted deferred action status pursuant to
5 the Deferred Action for Childhood Arrivals policy. (Complaint at ¶¶ 5-6.)

6 a. The Student Intervenors are not permanent residents of the United States.
7 (Arizona's Complaint, Exhibit C-2.)

8 b. The Student Intervenors do not have lawful immigration status. (*Id.*)

9 2. The Student Intervenors allege that the State violated their Equal Protection
10 rights. (Complaint at ¶ 18-21.)

11 3. The Student Intervenors do not provide any reasons or explanation for how
12 the State's enforcement action violates their Equal Protection rights in their Complaint.
13 (*See* Complaint.)

14 4. The Student Intervenors disclosed their opinion regarding the appropriate
15 standard of review for an alleged equal protection violation (Disclosure Statement at 8-9),
16 but they do not provide any reasons, explanations, or facts explaining how the State's
17 enforcement action violates their equal protection rights.

18 a. The Student Intervenors do not identify the existence of a similarly
19 situated class of students. (*See* Complaint, Disclosure Statement.)

20 b. The Student Intervenors do not provide the names of witnesses or
21 disclose any witness's anticipated testimony that could support their
22 equal protection claim. (*See* Disclosure Statement.)

23 5. The Student Intervenors allege that they have a Due Process claim against
24 the State. (Complaint ¶¶ 22-25.)

25 6. The Student Intervenors do not mention the due process claim in their
26 disclosure statement. (*See* Disclosure Statement.)

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7. The Student Intervenors allege that they “have a property right to in-state tuition rates provided under A.R.S. § 1-502 and the Maricopa County Community College District is allowing them to pay in-state tuition rates.” (Complaint at ¶ 23.)

- a. The Student Intervenors have not offered any facts to explain what their property right is. (*See* Complaint, Disclosure Statement.)
- b. The Student Intervenors do not explain why they have not had any notice or opportunity for a hearing to protect their alleged property right. (*Id.*)
- c. The Student Intervenors have not disclosed any witnesses who may have some knowledge of any facts to substantiate their due process claim. (*See* Disclosure Statement.)

DATED this 21st day of August, 2014.

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with the Clerk of the Superior Court,
2 Maricopa County, this 21st day of August, 2014

3 COPY emailed this 21st day of August, 2014 to:

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