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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ARIZONA CONTRACTORS)
ASSOCIATION, INC., an Arizona non-)
profit corporation; ARIZONA)
EMPLOYERS FOR IMMIGRATION)
REFORM, INC., an Arizona non-profit)
corporation; CHAMBER OF)
COMMERCE OF THE UNITED)
STATES OF AMERICA, a Washington)
D.C. non-profit corporation; ARIZONA)
CHAMBER OF COMMERCE, an)
Arizona non-profit corporation;)
ARIZONA HISPANIC CHAMBER OF)
COMMERCE, INC., an Arizona non-)
profit corporation; ARIZONA FARM)
BUREAU FEDERATION, an Arizona)
non-profit corporation; ARIZONA)
RESTAURANT AND HOSPITALITY)
ASSOCIATION, an Arizona non-profit)
corporation; ASSOCIATED MINORITY)
CONTRACTORS OF AMERICA, an)
Arizona non-profit limited liability)
company; ARIZONA ROOFING)
CONTRACTORS ASSOCIATION, an)
Arizona non-profit corporation;)
NATIONAL ROOFING)
CONTRACTORS' ASSOCIATION, an)
Illinois not-for-profit corporation;)
WAKE UP ARIZONA! INC., an)
Arizona non-profit corporation; and)
ARIZONA LANDSCAPE)
CONTRACTORS ASSOCIATION,)
INC., an Arizona non-profit corporation,)

Plaintiffs,

vs.

No. CV07-02496-PHX-NVW (consol.)
ORDER

1 CRISS CANDELARIA, Apache County)
Attorney; ED RHEINHEIMER, Cochise)
2 County Attorney; TERENCE C.)
HANER, Coconino County Attorney;)
3 DAISY FLORES, Gila County Attorney;)
KENNY ANGLE, Graham County)
4 Attorney; DEREK D. RAPIER, Greenlee)
County Attorney; MARTIN BRANNAN,)
5 LaPaz County Attorney; ANDREW P.)
THOMAS, Maricopa County Attorney;)
6 MATTHEW J. SMITH, Mohave County)
Attorney; JAMES CURRIER, Navajo)
7 County Attorney; BARBARA)
LAWALL, Pima County Attorney;)
8 JAMES P. WALSH, Pinal County)
Attorney; GEORGE SILVA, Santa Cruz)
9 County Attorney; SHEILA POLK,)
Yavapai County Attorney; JON SMITH,)
10 Yuma County Attorney; TERRY)
GODDARD, Attorney General of the)
11 State of Arizona; and FIDELIS V.)
GARCIA, Director of the Arizona)
12 Registrar of Contractors,)

13 Defendants.)

14 VALLE DEL SOL, INC.; CHICANOS)
POR LA CAUSA, INC.; and SOMOS)
15 AMERICA,)

16 Plaintiffs,)

17 vs.)

18)
19 TERRY GODDARD, in his official)
capacity as Attorney General of the State)
of Arizona; GALE GARRIOTT, in his)
20 official capacity as the Director of the)
Arizona Department of Revenue; and)
21 ANDREW THOMAS, in his official)
capacity as Maricopa County Attorney,)

22 Defendants.)
23

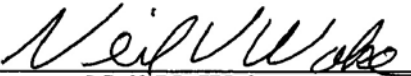
24 To resolve issues of procedural due process argued in recent briefs, it may be)
25 appropriate to address the following issues.

26 IT IS THEREFORE ORDERED that the parties be prepared to address at the)
27 January 16, 2008 trial the following questions:

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1. Whether the Legal Arizona Workers Act limits is limited to enforcement proceedings concerning hires for whom E-Verify confirmation is mandatory.
2. Whether E-Verify's procedure for contesting a tentative non-confirmation, and an employer's opportunity to terminate an employee who fails that process, provide employers sufficient due process.
3. Whether a contested final non-confirmation under E-Verify is subject to federal judicial review under the Administrative Procedure Act or otherwise.

DATED this 15th day of January, 2008.



Neil V. Wake
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CIVIL MINUTES**

Phoenix Division

CV07-2496-PHX-NVW DATE: January 16, 2008

HON: NEIL V. WAKE Judge # 7032

Caption: Arizona Contractors Association, Inc., et. al. v. Criss Candelaria, et. al.

Deputy Clerk: Sandi Fredlund Crt Rptr/ECR: Laurie Adams

Plaintiffs' counsel: Jonathan Weissglass, Kristina Campbell, Karen Tumlin, Omar C. Jadwat, and Daniel J. Pochoda for the Valle Del Sol Plaintiffs; Paul Eckstein, Joel Nomkin, and Charles Blanchard for Plaintiff Wake Up Arizona! Inc.; and, Louis R. Moffa, Jr., David A. Selden, and Heidi Nunn-Gilman for the remaining Plaintiffs

Defendants' counsel: Mary O'Grady and Christopher Munns for the State Defendants; Eileen GilBride for the Maricopa County Attorney; Roger Hall for Apache, Cochise, Gila, Graham, Greenlee, LaPaz, Mohave, Navajo, Santa Cruz, and Yavapai County Attorneys; Michael Lessler for the Coconino County Attorney; Daniel Jurkowitz for the Pima County Attorney; and Chris Roll for the Pinal County Attorney

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Defendant Yuma County Attorney Jon Smith is not present and his counsel is not present.

1:30 p.m. This is the time set for Trial and Injunction Hearing. Plaintiffs present argument to the Court. 3:00 p.m. Recess.

3:21 p.m. Hearing resumes. Plaintiffs continue to present argument. Defendants present argument to the Court. Rebuttal argument by Plaintiffs.

The County Attorney Defendants agree that no enforcement proceeding will be brought earlier than March 1, 2008 and that, if for any reason, any county attorney thought it appropriate and possible to do otherwise, they would give advance notice to the Court and to the Plaintiffs in sufficient time for the Plaintiffs to apply to the Court to rule on a Temporary Restraining Order. The Court takes the issues under advisement. 5:00 p.m. Court adjourned.

Time in Court: 3 hrs, 9 mins.