

1 **MUNGER CHADWICK, P.L.C.**

2 National Bank Plaza
3 333 North Wilmot Road
4 Suite 300
5 Tucson, Arizona 85711
6 Telephone: (520) 721-1900
7 Facsimile: (520) 747-1550

8 Thomas A. Denker - State Bar No. 016453
9 Attorneys for Commissioner Rick Stertz

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 Wesley W. Harris, *et al.*,
14 Plaintiffs,
15 v.
16 Arizona Independent Redistricting
17 Commission, *et al.*,
18 Defendants.

Case No. 2:12-CV-00894-ROS-NVW-RRC

**NOTICE OF DECISION NOT TO
INVOKE LEGISLATIVE PRIVILEGE**

19 Commissioner Rick Stertz, by and through undersigned counsel, and pursuant to the
20 order of the Court dated February 7, 2013, (Docket No. 120), hereby respectfully gives notice
21 that, based upon the limited and incomplete information now available to him and his counsel,
22 he will not invoke any legislative privilege that might be applicable in response to questions
23 or discovery requests that might be directed to him in the above-captioned matter. This
24 decision not to invoke any legislative privilege does not and is not intended to serve as a
25 waiver of Commissioner Stertz's right to assert any other testimonial or other privilege that
26 might be available to him. Further, Commissioner Stertz respectfully submits that this
decision is made under protest for the reasons set forth in his Motion for Extension of Time to

1 Advise Court of Decision Whether to Invoke Legislative Privilege, and Provisional Notice of
2 Preliminary Decision Not To Invoke Privilege (Docket No. 113).

3 DATED this 8th day of February, 2013.

4

5

MUNGER CHADWICK P.L.C.

6

7

/s/ John F. Munger
John F. Munger

8

9

G:\Client\Stertz\130208.PrivilegeDecision.NTC.wpd

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26