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

Mi Familia Vota, et al.,

Plaintiffs,

v.

Adrian Fontes, et al.,

Defendants.

Associated Consolidated Cases

No. 2:22-cv-509 (SRB) (Lead Case)
No. 2:22-cv-1124 (SRB) (Consolidated)

**United States' Reply Brief
in Support of Its Motion for an
Indicative Ruling on a Motion
for Relief from Final Judgment**

Federal Rule of Civil Procedure 60(b) permits the Court to relieve a party from a final judgment if “the judgment has been satisfied, released, or discharged” or “applying it prospectively is no longer equitable,” Fed. R. Civ. P. 60(b)(5), or for “any other reason that justifies relief,” *id.* 60(b)(6). *See Frew ex rel. Frew v. Hawkins*, 540 U.S. 431, 441

(2004) (explaining that Rule 60(b)(5) “encompasses the traditional power of a court of equity to modify its decree in light of changed circumstances”). Pursuant to Federal Rule of Civil Procedure 62.1, the United States requested an indicative ruling on a motion seeking relief from the final judgment in *United States v. Arizona*, No. 2:22-cv-1124 (D. Ariz.) under Rule 60(b)(5) and (6) and voluntary dismissal of the United States’ claims under Rule 41(a)(2).¹

Rule 60(b) relief is appropriate and justified here because the United States wishes to release the judgment against defendants on its claims and no longer seeks to bind defendants to that judgment. As the United States previously explained, it no longer seeks to press its claims in this case. Relief under Rule 60(b) would enable the United States to free defendants from the imposition that those claims placed on them as a result of the court’s final judgment. *Cf. Chisom v. Louisiana ex rel. Landry*, 116 F.4th 309, 316-317, 320 (5th Cir. 2024) (en banc) (granting State relief from consent decree under Rule 60(b)(5)); *Shakman v. Pritzker*, 43 F.4th 723, 732 (7th Cir. 2022) (same). Because the Court also entered judgment for the Private Plaintiffs under the same causes of action and against the same provisions of HB 2492, granting this limited Rule 60(b) relief for the United States would not affect the rights of any other plaintiff.

The Poder Latinx Plaintiffs alone oppose the United States’ request. They suggest that relief under Rule 60(b) is categorically unavailable to a prevailing party. Doc. 772, at 2. However, Rule 60(b) permits a court to relieve “a party” from a final judgment

¹ The Poder Latinx Plaintiffs take no position on the request for voluntary dismissal under Rule 41(a)(2).

1 without cabining its availability to prevailing or non-prevailing parties. *Compare* Fed. R.
 2 Civ. P. 60(b) (emphasis added), *with* Fed. R. Civ. P. 50(e) (specifying relief available to
 3 “the prevailing party” in connection with motions for judgment as matter of law). Even as
 4 the prevailing party, the United States can seek relief from the judgment in *United States*
 5 *v. Arizona*. For instance, the United States has employed Rule 60(b)(5) and (6) to
 6 terminate longstanding judgments in many antitrust cases.²

7 The Poder Latinx Plaintiffs’ argument that Rule 60(b) relief should be granted
 8 only “sparingly” in “extraordinary circumstances” is inapt here. Doc. 772, at 3 (quoting
 9 *Navajo Nation v. Department of the Interior*, 876 F.3d 1144, 1173 (9th Cir. 2017)).
 10 Ordinarily, Rule 60(b) movants are losing parties, seeking to amend or lift judgments that
 11 the prevailing parties obtained after thorough litigation. The principle of “sparing[]” Rule
 12 60(b) relief appropriately protects the finality of judgments that prevailing parties won,
 13 particularly when losing parties raise facts or arguments after judgment that they could
 14 have raised during the litigation. Here, by contrast, the United States is the movant. It is
 15 the prevailing party that the principle of sparing relief exists to protect, and it is the
 16 United States’ own judgment as a prevailing party that the United States wishes to
 17 release.

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 19
 20 ² See generally *Judgment Termination Initiative*, U.S. DEP’T OF JUSTICE,
 21 <https://www.justice.gov/atr/JudgmentTermination>; e.g., Mot. to Terminate Legacy
 22 Antitrust Judgment, *United States v. Pacific Coast Plumb. Supply Ass’n*, No. 2:19-mc-84
 (C.D. Cal. June 6, 2019) (moving to terminate 35 legacy antitrust judgments); Order,
United States v. Pacific Coast Plumb. Supply Ass’n, No. 2:19-mc-84 (C.D. Cal. June 13,
 2019) (granting termination).

Otherwise, the Poder Latinx Plaintiffs suggest that the United States' motion is mere "political expression," and they seek to tie the United States to the enforcement decisions it made in the past. *See* Doc. 772, at 2 ("The United States cannot properly invoke Rule 60(b) to rewrite the history of this litigation or disown what a prior administration has done."). The United States, like any plaintiff, retains the discretion to decide whether to pursue and maintain its claims.

Moreover, as explained in the United States' motion, the relief from judgment would be timely and equitable under Federal Rule of Civil Procedure 60(b)(5) and (b)(6), and such relief would have no practical impact on the final judgment entered in this litigation for other plaintiffs. For these reasons, the United States respectfully requests an indicative ruling under Rule 62.1, that the Court would grant a motion for relief from judgment on the United States' claims under Rule 60(b)(5) or (6), and for voluntary dismissal under Rule 41(a)(2).

Date: April 28, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

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