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HON. CHRISTOPHER BROWNING

12 Attorneys for Plaintiff

13 **IN THE SUPERIOR COURT**

14 **FOR PIMA COUNTY ARIZONA**

15 LOUIS TAYLOR, a single man,

16 Plaintiff,

17 vs.

18 PIMA COUNTY; PIMA COUNTY  
19 ATTORNEY'S OFFICE; LAURA  
20 CONOVER, in her official capacity as  
Pima County Attorney,

21 Defendants.

No. C20224158

**PLAINTIFF'S SUPPLEMENTAL  
EXHIBITS IN SUPPORT OF  
MOTION FOR LEAVE TO TAKE  
DEPOSITIONS**

*(Assigned to Judge Kuhn)*

22  
23 Attached are Exhibits 8 and 9 to Plaintiff's Motion for Leave to Take  
24 Depositions filed with this Court on February 27, 2023 and scheduled for oral  
25

1 argument on May 19, 2023 at 11:00 a.m. The exhibits are relevant to Plaintiff's  
2 argument regarding the existence of public records not referenced in the  
3 privilege log and the scope of Defendant's claimed privileges.  
4

5 DATED March 10, 2023.

6 MILLER, PITT, FELDMAN & McANALLY, P.C.

7  
8 By /s/ Peter Timoleon Limperis  
9 Stanley G. Feldman  
10 Peter Timoleon Limperis  
11 Timothy P. Stackhouse

12 THE LEADER LAW FIRM, P.C.

13 By /s/ John P. Leader  
14 John P. Leader

15 COPY of the foregoing emailed  
16 this 10th day of March, 2023 to:

17 Daniel P. Struck  
18 Nicholas D. Acedo  
19 Struck Love Bojanowski & Acedo, PLC  
20 3100 W. Ray Road, Suite 300  
21 Chandler, AZ 85226  
22 Attorneys for Defendant Pima County

23 Paul Loucks  
24 DeConcini McDonald Yetwin & Lacy  
25 2525 E. Broadway, Ste. 200  
Tucson, AZ 85716  
Attorney for Defendant Pima County Attorney's Office and Laura Conover

/s/ Ellie S. Ryan

# **EXHIBIT 8**

## DECLARATION OF NINA TRASOFF

Nina Trasoff declares, under penalty of perjury, that the following is true and correct:

1. I am a resident of Tucson, Arizona.
2. I have worked in the past as a journalist and was, at one time, an elected official of the City of Tucson.
3. I have been retired for several years.
4. I have known Laura Conover for several years and consider her a good friend.
5. I helped Ms. Conover on her campaign for Pima County Attorney, soliciting support and holding fundraisers.
6. Ms. Conover has never employed me or paid me to do any work. All work I have done for her at any time was as a volunteer.
7. Generally, the only work I did for Ms. Conover once she took office as Pima County Attorney was to assist as a volunteer in editing press releases and similar public documents - mostly clarifying verbiage, grammar, and flow.
8. I have never attempted to or been asked to do any substantive policy or legal work for Ms. Conover.
9. I am also a friend and neighbor of Stanley Feldman.

10. I have known for some time that he is one of the lawyers representing Louis Taylor in a federal court case.

11. Shortly after Ms. Conover took office in 2021, Ms. Conover told me that she had reviewed Mr. Taylor's case and planned to exonerate him.

12. Ms. Conover prepared a press release to that effect, and I helped with editing and verbiage of that press release.

14. I went to Mr. Feldman's house and showed him a draft of a proposed statement about exonerating Taylor by Conover sometime in 2021. Ms. Conover knew I was going and did not forbid it.

15. Ms. Conover did not release that draft, and so far as I know, the federal court case continued.

16. In May 2022, Ms. Conover told me a complete review of the files had been made and that she proposed to issue a press release to the Tucson media.

17. I helped with preparation of that press release by reviewing the verbiage and grammar, but the substantive information in the press release was prepared by Ms. Conover, not by me.

18. That draft press release announced the forthcoming exoneration of Mr. Taylor, but it was never released.

19. Sometime after May 2022, Mr. Feldman contacted me to discuss the Taylor case.

20. The first question he asked me was whether I was or had ever been an

employee of the Pima County Attorney or Pima County Attorney's Office.

21. I told Mr. Feldman I was not and had never been employed by the Pima County Attorney or Pima County Attorney's Office.

22. Mr. Feldman told me his firm had obtained email records that indicated that I had indeed worked on a press release announcing Mr. Taylor's exoneration.

23. Mr. Feldman then asked me if I had a copy of the proposed press release, and I told him I did.

24. Mr. Feldman and Peter Limperis from his office met with me at my house on February 7, 2023, to discuss the matter.

25. They again asked me if I was or had ever been an employee of the Pima County Attorney or the Pima County Attorney's Office, and I told them I had not.

26. They then asked me if I would give them a copy of the draft press release that I had worked on and I gave them a copy of that which showed my edits. See Exhibit 1, attached.

27. I also printed the resulting statement and gave it to them. See Exhibit 2, attached.

28. They then asked me to tell them what I knew about the fact the press release I had worked on had not been released and that several weeks later Ms. Conover made a public statement to the contrary.

29. I told them that when I talked to Ms. Conover in May, Ms. Conover indicated that Prof. Chin had just completed his file review.

30. Ms. Conover told me she was excited by the fact that the review had shown that the fire was not arson and that Mr. Taylor had been improperly convicted of arson and the felony murders of the people in the hotel.

31. When I next talked to Ms. Conover on this matter, after her August 2022 contrary statement, she told me she had not gone forward with the original press release, which had been scheduled for May 28, because Phoenix lawyers had threatened bar discipline and possible disbarment if she went forward with the plan to exonerate Mr. Taylor.

32. I have neither been authorized nor forbidden to share my knowledge with the Taylor lawyers.

Dated: March 9, 2023.

  
Nina Trasoff

# **EXHIBIT 1**



As your prosecutor, I move deliberately. I take solemn my vow to do the right thing. And that means we do things right, and not rushed.

~~Early last week, after an exhaustive 17-month investigation, our team reached a conclusion that was perhaps predictable. But as your prosecutor, I don't act on predictions or suspicions or emotions. And I sure don't act on political or media pressure. I didn't take this job to be popular.~~

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Last week, ~~after an exhaustive 17-month investigation, I agreed with our investigating team concluded~~ that the Pima County Attorney's Office could no longer support the criminal conviction against Louis Taylor in the Pioneer Hotel fire of 1970. ~~Our investigating team's conclusion was perhaps predictable. But as your prosecutor, I don't act on predictions or suspicions or emotions. And I sure don't act on political or media pressure. I didn't take this job to be popular.~~

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~~And then, as I have done the last 18 months for any family member who has lost someone and found themselves entangled in the criminal justice system, I started placing calls all across the country to anyone we could find who was impacted on that unholy night in December of 1970 when 29 souls lives were lost to the fire that has plagued our community ever since. Each child and grandchild of the departed dead got to hear my voice had the chance to talk with me, ask me questions directly, and to hear this truth:~~

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Fire science has come a long, long way since 1970, and it is now understood that accidental fire ~~was the more likely caused of the blaze at the Pioneer Hotel to go up in a blazing burn rather than arson. And,~~

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~~In 1970 it was accepted practice (BUT WRONG) in 1970 to allow race to be considered evidence in a criminal investigation, a practice that has long been disproved and disallowed from investigations. go But the original investigation was contaminated by that practice and the concept that "black people are comfortable with settling fires," which led to a profiled hunt and in part to the deliberate targeting of a 16 year old Black youth who we know rescued several lives rescued several people from the fire that night to instead Based on that profiling, he was end-up-as a suspect by dawn.~~

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The fire destroyed ~~forever~~ downtown's most popular hotel. Only with only the façade remaining. It harmed legendary families who ran businesses in downtown that would eventually shutter in the aftermath. The fire scarred our community. And the blaming arrest of the 16 year old Black youth boy, his prosecution, his 40 years in prison despite a quiet, respectful plea of innocence was the tragic miscarriage of justice that resulted band-aid that kept from which this the community has never healed from healing. The that wound of injustice continued to bleed until today as we the Pima County Attorney's Office file a Motion to Vacate Conviction, finally, in CR-1971 – Pima County v. Louis Taylor.

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Like many of the commitments I made ~~to~~ when I became Pima County Attorney, ~~it~~ this action did not come fast enough for some. And, in coming weeks and months there will be more developments in other cases when after other exhaustive investigations conclude. ~~For those who want a "D.A." to hold emotional, hand-wringing, fist-pounding press conferences, that's not me. I will not be rushed. A public official is best when they are the cool, calm, and deliberative voice in the middle of the storm that is our current world.~~ Justice cannot and should not be rushed. As Pima County Attorney I will let neither pressure nor politics influence the deliberative process required to serve justice well.

~~And, like~~ Many of the other key issues and reforms we have initiated, including marijuana expungement, initial appearance reform, and conviction integrity, also take time. Decades of policy and practice cannot be turned around overnight, but we will continue to address and implement policy changes. The Court will play its role, ~~and~~ take the matter from here, playing its critical role. ~~They are again free to disagree. But we will continue to take the steps we deem appropriate to strengthen the system of justice in Pima County.~~

~~But the~~ The People's Office has now spoken addressed on the miscarriage of justice that began nightmare of that December night in 1970, and now 52 years later, it is time for us to awaken and let the healing to begin.

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# **EXHIBIT 2**

From: Laura Conover <Laura.Conover@pcao.pima.gov>

Date: Sat, May 28, 2022, 3:23 PM

Subject: draft op ed Pioneer Fire

To: Laura Conover <lconover17@gmail.com>

As your prosecutor, I move deliberately. I take solemn my vow to do the right thing. And that means we do things right, and not rushed.

Early last week, after an exhaustive 17 month investigation, our team reached a conclusion that was perhaps predictable. But as your prosecutor, I don't act on predictions or suspicions or emotions. And I sure don't act on political or media pressure. I didn't take this job to be popular.

Last week, I concluded that the Pima County Attorney's Office could no longer support the criminal conviction against Louis Taylor in the Pioneer Hotel fire of 1970.

And then, as I have done the last 18 months for any family member who has lost someone and found themselves entangled in the criminal justice system, I started placing calls all across the country to anyone we could find who was impacted on that unholy night in December of 1970 when 29 souls were lost to the fire that has plagued our community ever since. Each child and grandchild of the departed got to hear my voice, ask me questions directly, and to hear this truth:

Fire science has come a long, long way since 1970, and it is now understood that accidental fire more likely caused the Pioneer Hotel to go up in a blazing burn rather than arson. And, though it was accepted (BUT WRONG) in 1970 to allow race to be considered evidence in a criminal investigation, the original investigation was contaminated by the concept that "black people are comfortable with setting fires," which led to a profiled hunt and in part to the deliberate targeting of a 16 year old black boy who we know rescued several lives that night to instead end up as a suspect by dawn.

The fire destroyed forever downtown's most popular hotel. Only the façade remains. It harmed legendary families who ran businesses in downtown that would eventually shutter in the aftermath. The fire scarred our community. And, the blaming of the 16 year old black boy, his prosecution, his 40 years in prison despite a quiet, respectful plea of innocence was the tragic band-aid that kept the community from healing. The wound of injustice continued to bleed until today as we file our Motion to Vacate Conviction, finally, in CR-1971 – Pima County v. Louis Taylor.

Like many of the commitments I made to Pima County, it did not come fast enough for some. And, in coming weeks and months there will be more developments after other exhaustive investigations. For those who want a "D.A." to hold emotional, hand wringing, fist pounding press conferences, that's not me. I will not be rushed. A public official is best when they are the cool, calm, and deliberative voice in the middle of the storm that is our current world.

And, like many of the reforms we have initiated- marijuana expungement, initial appearance reform, conviction integrity- the Court will play their role, and take the matter from here. They are again free to disagree.

But the People's Office has now spoken on the nightmare of that December night in 1970, and 52 years later, it is time for us to awaken and let the healing begin.

TAYLOR016013



# EXHIBIT 9

# Questions arise over Pioneer Hotel fire that killed 29 people in 1970

TUCSON, Ariz. (13 News) - Louis Taylor was tried and convicted of setting a fire in the Pioneer Hotel in 1970, which killed 29 people.

To this day it is the worst fire tragedy in Tucson's history.

Taylor was only 16 years old at the time.

[He was released from prison six years ago](#) after new technology suggested the fire may not have been arson at all, creating reasonable doubt.



Source: (Tucson Police)

Taylor has always maintained his innocence and apparently, Pima County Attorney Laura Conover felt the conviction may have been wrong as well.

In an unpublished draft editorial dated May 28, 2022, and filed in court Monday morning, Conover said after an exhaustive 17-month investigation, "I concluded that the Pima County Attorney's Office could no longer support the criminal conviction against Taylor."

She went on to write, "it was accepted (BUT WRONG) to allow race to be considered in the trial." She described Taylor as a 16-year-old black boy who saved several lives that night but ended up being the suspect.

13 News' Bud Foster I talked to Taylor in 2013.

Bud asked Taylor why he didn't flee the scene.

"Nah, run away, for what? For what reason? I had no reason to run away," Taylor said.

Three months after writing the editorial, Conover issued a news release that read "no further action will be taken" in the Taylor case. That's a reversal from the draft op-ed three months earlier. It also came just one day after the Pima County Board of Supervisors held an hour-long executive session to discuss the case and its potential civil liabilities in the case.

"We have one executive session item," Board Chair Sharon Bronson said after the board came back from behind closed doors. "I move we proceed as discussed in exec."

But there was some confusion from board member Adelita Grijalva about what action the board was taking if any.

Bronson told her "we are just getting direction."

Whether that direction had anything to do with the reversal is something Taylor's attorneys are asking because an exoneration could increase the

amount of money Taylor can ask for in a civil suit against the county.

The county is insured for that.

The attorneys are asking the Conover to be deposed to answer questions about her alleged change of mind.

13 News asked Conover about that and she sent the following response:

"The Pioneer Fire decision was excruciating and a close call. It involved robust debate among the Senior Leadership Council here at PCAO. I prepared draft comments for the decision to go either way. Arizona law only allows me to consider newly discovered evidence that might come to light after 2013, the last time a judgment was entered in the case. To date, this has not occurred."

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