

1 Tony West
 2 Assistant Attorney General
 3 Dennis K. Burke
 4 United States Attorney
 5 Arthur R. Goldberg
 6 Assistant Director, Federal Programs Branch
 7 Varu Chilakamarri (NY Bar #4324299)
 8 Joshua Wilkenfeld (NY Bar #4440681)
 9 U.S. Department of Justice, Civil Division
 10 20 Massachusetts Avenue, N.W.
 11 Washington, DC 20530
 12 Tel. (202) 616-8489/Fax (202) 616-8470
 13 varudhini.chilakamarri@usdoj.gov
 14 *Attorneys for the United States*

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE DISTRICT OF ARIZONA

12 Roberto Javier Frisancho,

13 Plaintiff,

14 v.

15 Jan Brewer, in her official capacity as
 16 Governor of the State of Arizona; Terry
 17 Goddard, in his official capacity, as
 18 Attorney General of the State of Arizona,

Defendants.

No. 2:10-cv-00926-SRB

No. 2:10-cv-01413-NVW

**UNITED STATES OF AMERICA’S
 MOTION TO TRANSFER**

19 Pursuant to LRCiv 42.1(a), the United States of America (“United States”) moves to
 20 transfer the related case of *United States of America v. State of Arizona, et al.*,
 21 No. 2:10-cv-01413-NVW (“*United States*”) filed on July 6, 2010 and pending before the
 22 Honorable Neil V. Wake, to this Court.

23 **I. BACKGROUND OF RELATED CASES**

24 The *United States* case challenges the constitutionality of the Arizona Senate Bill 1070,
 25 as amended by House Bill 2162 (“S.B. 1070”). In that regard it is substantially similar to the
 26 five prior actions asserting challenges to S.B. 1070. Those cases are: (1) *Martin H. Escobar v.*
 27 *Jan Brewer, et al.*, No. CV 10-249-TUC-SRB, filed on April 29, 2010; (2) *David Salgado v. Jan*
 28 *Brewer, et al.*, No. CV 10-951-PHX-SRB, filed April 29, 2010; (3) *National Coalition of Latino*

1 *Clergy and Christian Leaders v. State of Arizona, et al.*, No. CV 10-943-PHX-SRB, filed on
2 April 29, 2010; and (4) *Friendly House, et al. v. Whiting, et al.*, No. CV 10-1061-PHX-SRB,
3 filed on May 17, 2010. Pursuant to the Court’s Order (Dkt. 40) dated June 25, 2010, each of
4 these cases are pending before this Court.

5 **II. TRANSFER OF THE RELATED CASES IS APPROPRIATE**

6 The Local Rules for this district provide that related cases may be transferred under
7 the following circumstances:

8 Any party may file a motion to transfer the case or cases involved to a single
9 Judge whenever two or more cases are pending before different Judges and
10 any party believes that such cases: (1) arise from substantially the same
11 transaction or event; (2) involve substantially the same parties or property; (3)
12 involve the same patent, trademark, or copyright; (4) call for determination of
13 substantially the same questions of law; or (5) for any other reason would
14 entail substantial duplication of labor if heard by different Judges.

15 LRCiv 42.1(a). Local Rule 42.1(a) also provides that, “[t]he motion shall be filed in the case
16 with the lowest case number assigned to a District Judge who shall hear and decide the motion.”

17 In making a determination about which judge will be assigned the related cases, Local Rule 42.1
18 states that the following factors may be considered: “(1) whether substantive matters have been
19 considered in a case; (2) which Judge has the most familiarity with the issues involved in the
20 cases; (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other
21 factor serving the interest of judicial economy.” LRCiv 42.1(d).

22 The United States submits that these factors weigh strongly in favor of transferring
23 the *United States* case to this Court. The United States is challenging the constitutionality of
24 S.B. 1070, which arises from the same transaction or event challenged in the other cases. The
25 *United States* case asserts claims against the State of Arizona and Governor Janice K. Brewer,
26 in her official capacity, and both of these defendants are parties in some of the other cases.
27 Further, briefing has begun in several of the cases pending before this Court and the transfer of
28 the *United States* case to this Court would serve the interest of judicial economy.

1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that this Court grant its
3 Motion To Transfer.

4 DATED: July 6, 2010

5 Respectfully Submitted,

6 Tony West
7 Assistant Attorney General

8 Dennis K. Burke
9 United States Attorney

10 Arthur R. Goldberg
Assistant Director, Federal Programs Branch

11 /s/ Varu Chilakamarri
12 Varu Chilakamarri (NY Bar #4324299)
13 Joshua Wilkenfeld (NY Bar #4440681)
14 U.S. Department of Justice, Civil Division
15 20 Massachusetts Avenue, N.W.
16 Washington, DC 20530
17 Tel. (202) 616-8489/Fax (202) 616-8470
18 varudhini.chilakamarri@usdoj.gov
19 Attorneys for the United States

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on July 6, 2010, a true and correct copy of the foregoing
22 was served electronically by the U.S. District Court for the District of Arizona's Electronic
23 Document Filing System (ECF) and that the documents are available on the ECF system.

24 /s/ Varu Chilakamarri
25 Varu Chilakamarri