

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
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MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_meditation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

9th Circuit Case Number(s): 10-16645

District Court/Agency Case Number(s): CV 10-1413-PHX-SRB

District Court/Agency Location: District of Arizona

Case Name: United States of America v. State of Arizona, et al.

Please briefly describe the dispute that gave rise to this lawsuit.

The plaintiff-appellee challenged the validity of Senate Bill 1070, as amended, an enactment of the Arizona Legislature signed into law by Governor Jan Brewer. The various provisions of Senate Bill 1070 provide for the cooperative enforcement of federal immigration laws by state and local government agencies in Arizona.

(Please continue to next page.)

Briefly describe the procedural history, the result below, and the main issues on appeal.

Plaintiff-appellee filed its complaint on July 6, 2010, as well as a motion for preliminary injunction that sought to enjoin the enforcement of Senate Bill 1070. Defendants-appellants filed their response to the motion on July 20, 2010. The district court held oral argument on the motion on July 22, 2010. On July 28, 2010, the district court entered an order that granted in part and denied in part plaintiff-appellee's motion for preliminary injunction, and which enjoined certain provisions of Senate Bill 1070. Defendants-appellants filed their notice of appeal on July 29, 2010.

The main issue on appeal is whether the district court relied on erroneous legal premises or abused its discretion in enjoining certain provisions of Senate Bill 1070.

Describe any proceedings remaining below or any related proceedings in other tribunals.

On July 26, 2010, defendants-appellants filed a motion to dismiss plaintiff's complaint. That motion remains pending before the district court. There are no other proceedings currently scheduled at this time.

There are six related cases pending in the U.S. District Court for the District of Arizona that also challenge, in whole or in part, Senate Bill 1070. These proceedings include the following:

Frisancho v. Brewer, et al., Case No. CV10-0926-PHX-SRB

Escobar v. Brewer, et al., Case No. CV10-0249-TUC-SRB

National Coalition of Latino Clergy and Christian Leaders v. Arizona, et al., Case No. CV10-0943-PHX-SRB

Salgado v. Brewer, Case No. CV10-0951-PHX-SRB

Friendly House v. Whiting, et al., Case No. CV10-1061-PHX-SRB

League of United Latin American Citizens v. Arizona, et al., Case No. CV10-1453-PHX-NVW

Provide any other information that might affect the suitability of this case for mediation.

Defendants-appellants do not believe that this case is suitable for mediation.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature s/ John Bouma

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Defendants/Appellants

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.