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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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12 We Are America/Somos America)
Coalition of Arizona, et al.)

13 Plaintiff,)

No. CIV-06-2816-PHX-RCB

14 vs.)

O R D E R

15 Maricopa County Board of)
Supervisors, et al.)

16)
17 Defendants.)

18 On October 18, 2008, as directed by this court, plaintiffs
19 filed their "Supplemental Memorandum of Points and Authorities Re:
20 Preemption" (doc. 52). In that memorandum, plaintiffs note that
21 since We Are America/Somos America Coalition of Arizona v. Maricopa
22 County Board of Supervisors, 2007 WL 2775134 (D.Ariz. Sept. 21,
23 2007), they have amended their complaint. The purpose of that
24 amendment was, in plaintiffs' words, to "make clear that they seek
25 no relief that would interfere with state proceedings filed before
26 this action." Supp. Mem. (doc. 52) at 5 n.5. In light of that
27 amended complaint, plaintiffs assert that "the threshold condition
28 for . . . abstention" under Younger v. Harris, 401 U.S. 37 (1971)

1 -- the existence of ongoing state judicial proceedings - "no longer
2 exists[.]" Id. Therefore, plaintiffs urge this court to "go
3 forward" with this action "regardless of whether preemption is
4 readily apparent under any of the De Canas [v. Bica, 424 U.S. 351
5 (1976)] tests." Id.

6 The court hereby ORDERS defendants to file and serve, within
7 ten (10) days from the date of entry of this order, a response to
8 plaintiffs' supplemental memorandum. Such response shall be
9 limited to the issues of (1) whether there is an ongoing state-
10 initiated proceeding; and (2) whether this "federal court action
11 would enjoin the [state-initiated] proceeding or have the practical
12 effect of doing so, i.e., would interfere with the state proceeding
13 in a way that Younger disapproves[,]" so as to mandate abstention
14 under Younger. See San Jose Silicon Valley Chamber of Commerce
15 Political Action Committee v. City of San Jose, 2008 WL 455031, at
16 *3 (9th Cir. Oct. 14, 2008) (citations omitted).

17 DATED this 10th day of November, 2008.

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21 Robert C. Broomfield
22 Senior United States District Judge

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24 Copies to counsel of record