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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Monica Sandschafer; Guillermina)
Bethancourt de Pichardo; Ayensa Millan;)
10 Joel Nelson,

No. 10-180-PHX-JAT

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Plaintiffs,

ORDER

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vs.

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Maricopa County Board of Supervisor)
Andrew Kunasek, et al.,

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Defendants.

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Defendants have filed a Motion to Consolidate the case pending here with a case before Judge Wake, No. CV 09-2603-PHX-NVW. (Doc. #8.) Judge Wake normally would rule on the Motion because he has the first-filed case, but he referred the issue to the undersigned for decision. (Doc. #35.)

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Pursuant to Local Rule of Civil Procedure 42.1(a), a party may file a motion to transfer a case or cases to a single Judge if two or more cases are pending before different Judges and the party believes that such cases: “(1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same question of law; or (5) for any other reason would entail substantial duplication of labor if heard by different Judges.”

1 The case pending before the undersigned, No. CV10-180-PHX-JAT, arises out of the
2 allegedly unlawful arrests on December 15, 2008 and December 17, 2008 and subsequent
3 prosecutions of certain political opponents of Sheriff Arpaio. Plaintiffs Sandschafer,
4 Guillermina Bethancourt, and Ayensa Millan were arrested on December 15, 2008 while
5 sitting in the public waiting area of the Offices of the Maricopa County Board of Supervisors
6 for the purpose of trying to schedule a meeting with a Supervisor. Plaintiffs Sandschafer and
7 Nelson were arrested on December 17, 2008 while attending a public meeting of the
8 Maricopa County Board of Supervisors.

9 Kristy Lynn Theilen, the Plaintiff in Judge Wake's original case, is also a political
10 opponent of Sheriff Arpaio. Ms. Theilen too was arrested while sitting in the waiting area
11 of the Maricopa County Board of Supervisors on December 15, 2008. Maricopa County
12 prosecuted all the Plaintiffs in the pending case and Judge Wake's case on the charges
13 stemming from their arrests.

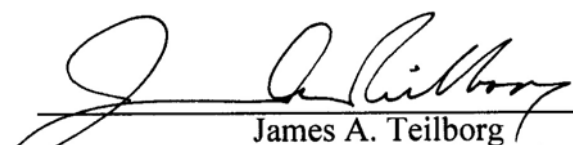
14 The Court finds that the pending case and Judge Wake's case arise from substantially
15 the same transaction or event and involve substantially the same parties or property. Further,
16 because no Rule 16 Scheduling Conference has been set in the pending case and the Rule 16
17 Conference in Judge Wake's case will not occur until April 30, 2010, delay from granting
18 the Motion to Consolidate, if any, will be minimal. Judicial economy therefore favors
19 consolidation.

20 Accordingly,

21 IT IS ORDERED GRANTING Defendants' Motion to Consolidate to Related Case
22 (Doc. #8). Case Number CV10-180-PHX-JAT shall be consolidated into Case Number
23 CV09-2603-PHX-NVW.

24 DATED this 10th day of March, 2010.

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James A. Teilborg
United States District Judge