

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*

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF ARIZONA**

13 The United States of America,
 14 Plaintiff,
 15 v.

No. 2:10-cv-1413-SRB

16 The State of Arizona; and Janice K. Brewer,
 17 Governor of the State of Arizona, in her
 18 Official Capacity,
 19 Defendants.

**COUNTERDEFENDANTS’
 UNOPPOSED MOTION TO
 EXCEED PAGE LIMITATION
 FOR MOTION TO DISMISS AND
 SUPPORTING MEMORANDUM**

20 The State of Arizona; and Janice K. Brewer,
 21 Governor of the State of Arizona, in her
 22 Official Capacity,
 23 Counterclaimants,
 24 v.

25 The United States of America; the United
 26 States Department of Homeland Security; the
 27 United States Department of Justice; and Janet
 28 Napolitano and Eric H. Holder, Jr., in their
 official capacities.
 Counterdefendants.

1 Counterdefendants (“the United States”), respectfully request leave to exceed the
2 page limitation set forth in LRCiv. 7.2(e) for their motion to dismiss (including
3 supporting memorandum) the counterclaims. The countercomplaint is just short of 40
4 pages, and it raises five separate counts, including claims under Article IV and the Tenth
5 Amendment of the U.S. Constitution, as well as claims under various federal statutes
6 relating to the operational control of the U.S. border and federal reimbursement of state
7 expenditures for the incarceration of unlawfully present aliens. *See* Doc. 132 (Arizona’s
8 Answer and Counterclaims, at 16-55). The United States’ draft Motion to Dismiss and
9 Supporting Memorandum is under 40 pages, and the United States will make every effort
10 to make its final motion and memorandum as short as possible. However, given the
11 range and magnitude of the issues raised in the counterclaims, the United States is unable
12 to present its arguments on each of the five counts in sufficient detail, under the current
13 page limit, to permit their full and careful consideration.

14 For the foregoing reasons, the United States seeks leave to file a Motion to
15 Dismiss the Counterclaims and Supporting Memorandum that does not exceed 40 pages.

16 Counsel for the counterclaimants was contacted and indicated that they do not
17 oppose this request.

18
19 DATED: April 6, 2011

20 Respectfully submitted,

21 Tony West
22 Assistant Attorney General

23 Dennis K. Burke
24 United States Attorney

25 Arthur R. Goldberg
26 Assistant Branch Director

27 /s/ Varu Chilakamarri
28 Varu Chilakamarri (NY Bar #4324299)
Joshua Wilkenfeld (NY Bar #4440681)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

U.S. Department of Justice, Civil Division,
Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
Tel: (202) 616-8489/Fax (202) 616-8470
varudhini.chilakamarri@usdoj.gov

Attorneys for the United States

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2011, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the CM/ECF registrants on record in this matter.

/s/ Varu Chilakamarri