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

12 The United States of America,

13 Plaintiff,

14 v.

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

18 Defendants.

No. 02:10-cv-1413-NVW

**PLAINTIFF'S MOTION FOR
LEAVE TO FILE ITS MOTION FOR
PRELIMINARY INJUNCTION AND
SUPPORTING MEMORANDUM IN
EXCESS OF THE PAGE LIMIT**

19 Pursuant to Local Rule 7.2(e), Plaintiff, the United States, hereby moves for an order
20 granting it leave to file a motion for preliminary injunction and supporting memorandum of
21 law that does not exceed 54 pages. Under Local Rule 7.2(e), unless otherwise permitted by
22 the Court, the current page limit for such a motion is seventeen pages. Plaintiff has made
23 every effort to make its motion for a preliminary injunction and memorandum as short as
24 possible. However, under the current page limit, Plaintiff is unable to present its arguments
25 in sufficient detail to permit their full and careful consideration.

26 Plaintiff's motion for preliminary injunction and supporting memorandum involves
27 a constitutional preemption challenge to Arizona's S.B. 1070 (as amended by H.R. 2162)
28 ("Support Our Law Enforcement and Safe Neighborhoods Act"). S.B. 1070 includes several
provisions that directly relate to the area of federal immigration law which is itself

1 “exceedingly complex.” *See Local 512, Warehouse and Office Workers' Union v. N.L.R.B.*,
2 795 F.2d 705, 721 (9th Cir. 1986) (*abrogated on other grounds*); *see also Lok v. INS*, 548
3 F.2d 37, 38 (2d Cir. 1977) (noting that federal immigration laws bear “striking resemblance
4 . . . to . . . King Minos’s labyrinth in ancient Crete”). Further, although S.B. 1070 was passed
5 as a single legislative act, it is broad in scope and contains several distinct sections relating
6 to different facets of immigration law, including the employment, transportation, and
7 registration of aliens.

8 In order to fully present its argument for a preliminary injunction, Plaintiff’s motion
9 and supporting memorandum must describe in sufficient detail the United States’ preemption
10 challenge to S.B. 1070 as a whole and to five distinct provisions of this law. This will
11 require Plaintiff to set forth the relevant federal immigration framework and the ways in
12 which S.B. 1070 conflicts with that framework and with federal enforcement priorities and
13 policies, as well as with the conduct of foreign relations. Further, Plaintiff’s motion and
14 supporting memorandum must set forth the irreparable harm that the United States will face
15 if S.B. 1070 is not enjoined, as well as the impact that an injunction will have on Defendants
16 and the public as a whole. To this end, Plaintiff will file 10 supporting declarations from
17 officials within the U.S. Departments of Homeland Security and State, as well as local law
18 enforcement officers. Proper treatment of these issues by Plaintiff will require it to exceed
19 the standard page limit.

20 The validity of S.B. 1070 is matter of great significance to the nation as a whole, as
21 evidenced by the serious public debate that has been sparked from its inception and has
22 continued after its passage.¹ It is all the more critical, therefore, to have as complete an
23

24 ¹ Indeed, Defendants have themselves touted the significance of S.B. 1070, and have had
25 to amend the law in response to the concerns of the public. *See* Press Release, Statement by
26 Governor Jan Brewer (April 23, 2010) (noting that this legislation has “been the subject of
27 vigorous debate and intense criticism” and that “though many people disagree,” S.B. 1070 “I
28 firmly believe it represents what’s best for Arizona. Border-related violence and crime due to
illegal immigration are critically important issues to the people of our State.”); Press Release,
Statement by Governor Jan Brewer (April 30, 2010) (signing amendments to S.B. 1070 one
week after its passage to “specifically answer legal questions raised by some who expressed

(continued...)

1 argument as possible in this matter. Plaintiff has lodged with this Court its proposed Motion
2 for Preliminary Injunction and Memorandum of Law in Support Thereof.

3 Counsel for Defendants was contacted and has not yet provided a response as to
4 Defendants' position on this motion. Nonetheless, granting this request will not prejudice
5 Defendants. Should this motion be granted, Plaintiff will not oppose a similar request by
6 Defendants, collectively, for leave to file a response with a comparable number of pages.

7 For the foregoing reasons, Plaintiff respectfully requests that this Court grant its
8 Motion for Leave to File its Motion for Preliminary Injunction and Supporting
9 Memorandum in Excess of the Page Limit.

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11 DATED: July 6, 2010

12 Respectfully Submitted,

13 Tony West
Assistant Attorney General

14 Dennis K. Burke
United States Attorney

15 Arthur R. Goldberg
Assistant Director, Federal Programs Branch

16
17 /s/ Varu Chilakamarri
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¹ (...continued)
fears" about the original law), *available at* <http://www.azgovernor.gov/media/PressReleases.asp>.

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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2010, I electronically transmitted the attached document to the Clerk’s Office using the U.S. District Court for the District of Arizona’s Electronic Document Filing System (ECF) and will include this motion with the summons and Complaint to be served on Defendants in this case.

/s/ Varu Chilakamarri
Varu Chilakamarri