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

12 Roberto Javier Frisancho,  
13 Plaintiff,

14 v.

15 Jan Brewer, in her official capacity as  
Governor of the State of Arizona; Terry  
16 Goddard, in his official capacity, as  
Attorney General of the State of Arizona,

17  
18 Defendants.

No. 2:10-cv-00926-SRB

No. 2:10-cv-01413-NVW

**UNITED STATES OF AMERICA'S  
MOTION TO TRANSFER**

19 Pursuant to LRCiv 42.1(a), the United States of America (“United States”) moves to  
20 transfer the related case of *United States of America v. State of Arizona, et al.*,  
21 No. 2:10-cv-01413-NVW (“*United States*”) filed on July 6, 2010 and pending before the  
22 Honorable Neil V. Wake, to this Court.

23 **I. BACKGROUND OF RELATED CASES**

24 The *United States* case challenges the constitutionality of the Arizona Senate Bill 1070,  
25 as amended by House Bill 2162 (“S.B. 1070”). In that regard it is substantially similar to the  
26 five prior actions asserting challenges to S.B. 1070. Those cases are: (1) *Martin H. Escobar v.*  
27 *Jan Brewer, et al.*, No. CV 10-249-TUC-SRB, filed on April 29, 2010; (2) *David Salgado v. Jan*  
28 *Brewer, et al.*, No. CV 10-951-PHX-SRB, filed April 29, 2010; (3) *National Coalition of Latino*

1 *Clergy and Christian Leaders v. State of Arizona, et al.*, No. CV 10-943-PHX-SRB, filed on  
2 April 29, 2010; and (4) *Friendly House, et al. v. Whiting, et al.*, No. CV 10-1061-PHX-SRB,  
3 filed on May 17, 2010. Pursuant to the Court’s Order (Dkt. 40) dated June 25, 2010, each of  
4 these cases are pending before this Court.

5 **II. TRANSFER OF THE RELATED CASES IS APPROPRIATE**

6 The Local Rules for this district provide that related cases may be transferred under  
7 the following circumstances:

8 Any party may file a motion to transfer the case or cases involved to a single  
9 Judge whenever two or more cases are pending before different Judges and  
10 any party believes that such cases: (1) arise from substantially the same  
11 transaction or event; (2) involve substantially the same parties or property; (3)  
12 involve the same patent, trademark, or copyright; (4) call for determination of  
13 substantially the same questions of law; or (5) for any other reason would  
14 entail substantial duplication of labor if heard by different Judges.

15 LRCiv 42.1(a). Local Rule 42.1(a) also provides that, “[t]he motion shall be filed in the case  
16 with the lowest case number assigned to a District Judge who shall hear and decide the motion.”

17 In making a determination about which judge will be assigned the related cases, Local Rule 42.1  
18 states that the following factors may be considered: “(1) whether substantive matters have been  
19 considered in a case; (2) which Judge has the most familiarity with the issues involved in the  
20 cases; (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other  
21 factor serving the interest of judicial economy.” LRCiv 42.1(d).

22 The United States submits that these factors weigh strongly in favor of transferring  
23 the *United States* case to this Court. The United States is challenging the constitutionality of  
24 S.B. 1070, which arises from the same transaction or event challenged in the other cases. The  
25 *United States* case asserts claims against the State of Arizona and Governor Janice K. Brewer,  
26 in her official capacity, and both of these defendants are parties in some of the other cases.  
27 Further, briefing has begun in several of the cases pending before this Court and the transfer of  
28 the *United States* case to this Court would serve the interest of judicial economy.

1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that this Court grant its  
3 Motion To Transfer.

4 DATED: July 6, 2010

5 Respectfully Submitted,

6 Tony West  
7 Assistant Attorney General

8 Dennis K. Burke  
9 United States Attorney

10 Arthur R. Goldberg  
Assistant Director, Federal Programs Branch

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20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on July 6, 2010, a true and correct copy of the foregoing  
22 was served electronically by the U.S. District Court for the District of Arizona's Electronic  
23 Document Filing System (ECF) and that the documents are available on the ECF system.

24 /s/ Varu Chilakamarri  
25 Varu Chilakamarri