

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 Joshua Wilkenfeld (NY Bar #4440681)  
8 Varu Chilakamarri (NY Bar #4324299)  
9 U.S. Department of Justice, Civil Division  
10 20 Massachusetts Avenue, N.W.  
11 Washington, DC 20530  
12 Tel. (202) 305-7920/Fax (202) 616-8470  
13 joshua.i.wilkenfeld@usdoj.gov  
14 *Attorneys for the United States*

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. 2:10-cv-01413-NVW

**PLAINTIFF'S MOTION FOR  
ISSUANCE OF AN EXPEDITED  
BRIEFING SCHEDULE  
REGARDING PLAINTIFF'S  
MOTION FOR A PRELIMINARY  
INJUNCTION**

19 Pursuant to Local Rule 7.2(c), Plaintiff, the United States, hereby moves for an order  
20 issuing an expedited briefing schedule regarding Plaintiff's lodged Motion for a Preliminary  
21 Injunction.

22 This motion seeks a briefing schedule that will enable the parties to fully brief the  
23 relevant issues while providing the Court with sufficient time to consider this motion before  
24 S.B. 1070's effective date of July 29, 2010. Defendants have previously recognized the  
25 importance of resolving motions to preliminarily enjoin the operation of S.B. 1070 before the  
26 statute's effective date. *See Friendly House v. Whiting*, No. CV-10-1061, Joint Motion  
27 Proposing Briefing Schedule for Plaintiff's Motion for Preliminary Injunction and  
28

1 Defendants' Motions to Dismiss ("It is the Parties' intent to propose a briefing schedule that  
2 permits the Court adequate time to consider these motions before Senate Bill 1070's effective  
3 date of July 29, 2010.").

4 Plaintiff proposes the following briefing schedule: Defendants' opposition to the  
5 motion for a preliminary injunction shall be due on July 20, 2010, and the United States'  
6 reply brief in support of the motion for a preliminary injunction shall be due by noon (local  
7 time) on July 26, 2010.

8 Counsel for Defendants was contacted and has not yet provided a response as to  
9 Defendants' position with respect to this motion.

10 Pursuant to this schedule, Defendants will have 14 days from receiving the United  
11 States' motion to file their opposition – the full response time contemplated by Local Rule  
12 7.2(c).<sup>1</sup> The United States will have slightly less than the response time contemplated by  
13 Local Rule 7.2(c) for filing its reply brief.

14 The proposed schedule thus provides the Defendants with ample time to prepare their  
15 opposition to the United States' motion, especially in light of the several other matters  
16 pending against the Defendants before this Court raising similar issues, which already require  
17 Defendants to prepare arguments on whether S.B. 1070 is preempted by federal law.

18 The proposed schedule also provides this Court with sufficient time to conduct oral  
19 argument and rule on the motion for a preliminary injunction before S.B. 1070's effective  
20 date.

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23  
24 <sup>1</sup> The United States has moved for leave to file a memorandum in support of its  
25 motion for a preliminary injunction in excess of the page limit provided by this Court's local  
26 rules, and thus, as of the submission of this motion, has lodged but yet not filed its motion  
27 for a preliminary injunction and supporting memorandum of law. Accordingly, as of the  
28 filing of this motion, Defendants' 14-day response time has not yet begun to run. But  
because Plaintiff has lodged with the Court – and served upon the Defendants – its proposed  
preliminary injunction motion, Plaintiff's proposed briefing schedule will still allow  
Defendants the full response time contemplated by this Court's rules.

1 For the foregoing reasons, Plaintiff respectfully requests that this Court grant its  
2 Motion for Issuance of an Expedited Briefing Schedule Regarding Plaintiff's Motion for a  
3 Preliminary Injunction.

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5 DATED: July 6, 2010

Respectfully Submitted,

6  
7 Tony West  
Assistant Attorney General

8 Dennis K. Burke  
9 United States Attorney

10 Arthur R. Goldberg  
Assistant Director, Federal Programs Branch

11 /s/ Joshua Wilkenfeld  
12 Joshua Wilkenfeld (NY Bar #4324299)  
13 Varu Chilakamarri (NY Bar #4440681)  
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20 Massachusetts Avenue, N.W.  
15 Washington, DC 20530  
16 Tel. (202) 305-7920/Fax (202) 616-8470  
joshua.i.wilkenfeld@usdoj.gov  
Attorneys for the United States

17 **CERTIFICATE OF SERVICE**

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

21  
22 /s/ Joshua Wilkenfeld  
Joshua Wilkenfeld