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7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF ARIZONA**

9 **MARTIN H. ESCOBAR,**)
 10 **Plaintiff,**)
 11 **vs.**)
 12 **JAN BREWER, Governor of the State**)
 13 **of Arizona, in her Official and**)
 14 **Individual Capacity; THE CITY OF**)
 15 **TUCSON, a municipal corporation, and**)
 16 **BARBARA LaWALL, County Attorney,**)
 17 **Pima County,**)
 18 **Defendants.**)

No. CV 10-249 TUC DCB

**NOTICE OF CITY'S SERVICE OF
 ANSWER AND CROSS-CLAIM ON
 ATTORNEY GENERAL PURSUANT
 TO A.R.S. §12-1841(A)**

18 1. Plaintiff City of Tucson gives notice that, pursuant to A.R.S. §12-
 19 1841(A), it is serving the Attorney General with a copy of its answer and cross-claim
 20 in this case, which allege the unconstitutionality of Senate Bill ("SB") 1070, as
 21 amended by House Bill ("HB") 2162 (the "Act"), adopted by the Forty-Ninth
 22 Legislature of the State of Arizona during the Second Regular Session, 2010, and
 23 signed by Governor Janice K. Brewer on April 23, 2010.

25 2. The City alleges that SB 1070 is unconstitutional and void on its face,
 26 because it is preempted by federal immigration law and thus violates the supremacy
 27

1 clause of the United States Constitution and because it imposes a discriminatory
2 burden on interstate commerce in violation of the commerce clause of the United
3 States Constitution as more fully set forth in the cross complaint.

4 RESPECTFULLY SUBMITTED this 27th day of May, 2010.

6 MICHAEL G. RANKIN
7 City Attorney

8 By: /s/ Michael W.L. McCrory
9 Michael W.L. McCrory
10 Principal Assistant City Attorney

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12 Copies of the foregoing mailed on
13 this 27th day of May, 2010, to:

14 Richard M. Martinez
15 307 South Convent Avenue
16 Tucson, Arizona 85701

17 Stephen Montoya
18 Augustine B. Jimenez
19 Montoya Jimenez, PA
20 3200 N Central Avenue, #2550
21 Phoenix, AZ 85012
22 Attorneys for Plaintiff

23
24
25
26
27
/s/ Michelle Gensman