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12 *Attorneys for Defendant Janice K. Brewer,*
13 *Governor of the State of Arizona*

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 Roberto Javier Frisancho,
17
Plaintiff *pro se*,

18 v.

19 Jan Brewer, in her official capacity as
20 Governor of the State of Arizona; and
Terry Goddard, in his official capacity
21 as Attorney General of the State of
Arizona,

22 Defendants.
23

No. CV10-00926-PHX-SRB

**MOTION TO TRANSFER RELATED
CASES TO THIS COURT**

No. CV10-00249-TUC-DCB

No. CV10-00951-PHX-ROS

24 Pursuant to LRCiv 42.1(a), defendant Governor Janice K. Brewer (“Governor
25 Brewer”) moves to transfer two related cases to this Court. The related cases are
26 captioned as follows: (1) *Martin H. Escobar v. Jan Brewer, et al.*, Case No. CV10-
27 00249-TUC-DCB (“*Escobar*”), filed on April 29, 2010 and pending before the Hon.
28 David C. Bury; and (2) *David Salgado v. Jan Brewer, et al.*, Case No. CV10-00951-

1 PHX-ROS (“*Salgado*”), filed on April 29, 2010 and pending before the Hon. Roslyn O.
2 Silver.

3 **I. BACKGROUND OF RELATED CASES.**

4 The *Escobar* and *Salgado* cases are substantially similar actions that challenge the
5 constitutionality of the “Support Our Law Enforcement and Safe Neighborhoods Act,”
6 Arizona Senate Bill 1070, as amended by House Bill 2162 (“SB 1070”). In *Escobar*, the
7 plaintiff is a police officer for the City of Tucson who has sued Governor Brewer, the
8 City of Tucson, and the Pima County Attorney. In *Salgado*, the plaintiffs are a police
9 officer for the City of Phoenix and the organization Chicanos Por La Causa, Inc., and
10 they have sued Governor Brewer and the City of Phoenix. The amended complaints in
11 both cases allege that SB 1070 violates the U.S. Constitution and is preempted by federal
12 law. The plaintiffs in both actions are represented by the same attorneys.

13 There are three other substantially similar actions pending in the U.S. District
14 Court for the District of Arizona that also challenge SB 1070. Two of those actions were
15 filed before *Escobar* and *Salgado* and have been assigned to this Court: (1) *Frisancho v.*
16 *Brewer, et al.*, Case No. CV10-00926-PHX-SRB (“*Frisancho*”), filed on April 27, 2010,
17 and (2) *National Coalition of Latino Clergy and Christian Leaders v. State of Arizona, et*
18 *al.*, Case No. CV10-00943-PHX-SRB (“*National Coalition*”), filed on April 29, 2010.
19 Both of these complaints name Governor Brewer as a defendant and, like *Escobar* and
20 *Salgado*, challenge the constitutionality and validity of SB 1070.

21 In addition, another later-filed case raises the same issues, *Friendly House v.*
22 *Whiting*, Case No. CV10-01061-PHX-MEA, filed on May 17, 2010. The plaintiffs in the
23 *Friendly House* case are a variety of organizations and individuals who also assert,
24 among other things, that SB 1070 violates the U.S. Constitution and is preempted by
25 federal law. The defendants in that case are the county attorneys and county sheriffs for
26 Arizona counties. The case was initially assigned to Magistrate Judge Mark E. Aspey.
27 On May 21, 2010, the plaintiffs moved to transfer the *Friendly House* case to this Court
28 on the grounds that the case involves the same events as the other two cases already

1 assigned to this Court, asserts similar claims, and involves common questions of law and
2 fact.

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

4 Rule 42.1 of the Rules of Practice of the United States District Court for the
5 District of Arizona provides that related cases may be transferred under the following
6 circumstances:

7 [W]henever two or more cases are pending before different Judges and any
8 party believes that such cases: (1) arise from substantially the same
9 transaction or event; (2) involve substantially the same parties or property;
10 (3) involve the same patent, trademark, or copyright; (4) call for
11 determination of substantially the same questions of law; or (5) for any
12 other reason would entail substantial duplication of labor if heard by
13 different Judges.

14 LRCiv 42.1(a).

15 Governor Brewer submits that these factors weigh strongly in favor of transferring
16 the *Escobar* and *Salgado* cases to this Court. Both cases are substantially similar to the
17 two earlier-filed cases already pending before this Court, which also challenge the
18 validity of SB 1070. The later-filed *Friendly House* case, also the subject of a separate
19 motion to transfer the action to this Court, similarly challenges SB 1070. As a result,
20 these cases all “arise from the same transaction or event.” Likewise, they “involve
21 substantially the same parties or property.” The two cases already pending in this Court
22 (*Frisancho* and *National Coalition*), like *Escobar* and *Salgado*, name Governor Brewer
23 as a defendant.

24 All five cases also call for “determination of substantially the same questions of
25 law.” The *Escobar* and *Salgado* cases, like the first-filed cases pending in this Court,
26 challenge SB 1070 on the grounds that it violates the U.S. Constitution and that it is
27 preempted by federal immigration laws. These cases also request the same relief: an
28 injunction that would enjoin defendants from enforcing SB 1070, a declaratory judgment
that SB 1070 is invalid, and fees and costs. Likewise, the *Friendly House* case asserts
these same claims (and others) and also seeks the same relief.

1 In light of the obvious similarity among these cases, allowing the cases to proceed
2 before different judges “would entail substantial duplication of labor.” Further,
3 transferring the *Escobar* and *Salgado* cases to this Court would avoid the risk of
4 potentially conflicting orders and judgments issued by different judges regarding the
5 same legal questions. If this motion to transfer and the separate *Friendly House* motion
6 to transfer are granted, all five cases will be heard by a single judge.

7 **III. CONCLUSION.**

8 For these reasons, Governor Brewer respectfully requests that the *Escobar* and
9 *Salgado* cases be transferred to this Court. A proposed order is submitted herewith.

10 Respectfully submitted this 28th day of May, 2010.

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CERTIFICATE OF SERVICE

1
2 I hereby certify that on May 28, 2010, I electronically transmitted the attached
3 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
4 Notice of Electronic Filing to the CM/ECF registrants on record.

5 I hereby certify that on May 28, 2010, I served the attached document by U.S.
6 mail on the following, who is not a registered participant of the CM/ECF System:

7
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