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 13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF ARIZONA**

15 **MARTIN H. ESCOBAR,**
 16
 17 **Plaintiff,**

18 **vs.**

19 **JAN BREWER, Governor of the**
 20 **State of Arizona, in her Official and**
 21 **Individual Capacity; THE CITY OF**
 22 **TUCSON, a municipal corporation,**
 23 **and BARBARA LaWALL, County**
 24 **Attorney, Pima County,**

25 **Defendants.**

26 **THE CITY OF TUCSON, a municipal**
 27 **corporation,**

Cross-plaintiff,

vs.

THE STATE OF ARIZONA, a body
politic; and JAN BREWER, in her
capacity as Governor of the State
of Arizona,

Cross-defendants.

No. CV 10-249 TUC DCB

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1 page limitation set by United States District Court Local Rule 7.2(e). This
2 case involves the facial validity of the recent Arizona law increasing
3 enforcement of federal immigration laws, Senate Bill 1070 as amended by
4 House Bill 2162 ("SB 1070"). That law has stirred extensive controversy both
5 in Arizona, across the county and in the neighboring country of Mexico. It will
6 have a major impact upon the City both in terms of how the City enforces
7 federal immigration law and in loss of sales tax and bed tax revenue if
8 enforced. Both the Plaintiff and Cross-plaintiff seek to enjoin enforcement
9 before the Act takes effect based upon fundamental constitutional conflicts.
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11

12 Because of the short time frame for resolving the facial validity of SB
13 1070, the parties need to provide the Court with briefs that fully present the
14 issues. The Cross-plaintiff's brief addresses its view of issues raised by the
15 Plaintiff against the defendant City and the Governor, as well as, the City's
16 cross-claim against the State of Arizona and the Governor. The City's brief
17 does not duplicate the Plaintiff's brief and, where appropriate, has provided
18 cross-references to that brief. The City presents distinct arguments regarding
19 the Court's jurisdiction and the irreparable injury that will be caused by SB
20 1070 if not enjoined. The City also presents arguments regarding the
21 violation of the separation of powers, the unlawful delegation of the police
22 power and discrimination against interstate commerce which are not raised in
23 the Plaintiff's brief. All of these issues deserve full consideration which
24 cannot be provided within the established page limitation.
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1 For all the foregoing reasons, the City hereby moves that this Court
2 grant this motion and allow the filing of the Cross-plaintiff's Motion for
3 Preliminary Injunction lodged with the filing of this motion.

4 Respectfully submitted this 7th day of June, 2010.

5
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