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**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA**

MARTIN H. ESCOBAR,  
 Plaintiff,

No. 4:10-CV-00249-DCB

**CITIES OF FLAGSTAFF,  
 TOLLESON, SAN LUIS AND**

1 vs.

2 JAN BREWER, Governor of the State of  
3 Arizona in her Official and Individual  
4 Capacity; TERRY GODDARD, the  
5 Attorney General of the State of Arizona,  
6 in his Official and Individual Capacity; the  
7 CITY OF TUCSON, a municipal  
8 corporation; and BARBARA LAWALL,  
9 County Attorney, Pima County,

10 Defendants.

11 CITY OF FLAGSTAFF, an Arizona  
12 chartered municipal corporation; CITY  
13 OF TOLLESON, an Arizona municipal  
14 corporation; CITY OF SAN LUIS, an  
15 Arizona municipal corporation; CITY OF  
16 SOMERTON, an Arizona municipal  
17 corporation

18 Plaintiff-Intervenors,

19 vs.

20 STATE OF ARIZONA, a body politic;  
21 and JAN BREWER, Governor of the State  
22 of Arizona, in her Official and Individual  
23 Capacities.

24 Defendants in Intervention.

**SOMERTON'S MOTION TO  
INTERVENE**

Assigned to: Hon. David C. Bury

25 Plaintiff intervenors request to intervene, pursuant to Federal Rule of Civil  
26 Procedure 24(b)(2)(b), in *Martin H. Escobar v. Jan Brewer et al.*, CV 10-249 TUC  
27 DCB. On June 4, 2010, Martin Escobar requested that the Court transfer his case to the  
28 Phoenix Division to be consolidated with *David Salgado et al. v. Jan Brewer et al.*, CV  
10-00951-PHX-ROS, in which a June 10 Court order set the final briefing schedule for  
those Plaintiffs' Motion for a Preliminary Injunction. Plaintiff intervenors request this  
intervention with *Escobar*, with anticipation of that lawsuit's consolidation with  
*Salgado*, due to the unmistakable similarity between the parties claims: all three cases  
challenge the constitutionality of SB 1070 (the "Support Our Law Enforcement and  
Safe Neighborhoods Act," Senate Bill 1070, as amended by House Bill 2162 (the

1 “Act”), which was recently signed into law by Governor Brewer.<sup>1</sup> The necessity of this  
2 intervention relates to the Act’s harmful effect on Plaintiff intervenors’ ability to carry  
3 out their mandated duties as more specifically set forth in their Complaint.  
4

5 Plaintiff intervenors request that the motion be deemed granted. Plaintiff  
6 intervenors further request that their Complaint, attached as EXHIBIT 1, be deemed  
7 filed as of the date that the Court grants the motion to intervene.  
8

9 DATED this 11<sup>th</sup> day of June, 2010.  
10

11 MARISCAL, WEEKS, McINTYRE  
12 & FRIEDLANDER, P.A.

13 *s/ Noel A. Fidel*

14 \_\_\_\_\_  
15 Noel A. Fidel

16 HARALSON, MILLER, PITT,  
17 FELDMAN & McANALLY, PLC

18 *s/ Jose de Jesus Rivera*

19 \_\_\_\_\_  
20 Stanley G. Feldman

21 José de Jesús Rivera  
22

23 LAW OFFICES OF DAVID ABNEY  
24

25 *s/ David L. Abney*

26 \_\_\_\_\_  
27 David L. Abney  
28

Attorneys for Plaintiffs

<sup>1</sup> The Act takes effect July 29, 2010.

1 Copy electronically transmitted this  
2 11<sup>th</sup> day of June 2010 via the USDC  
3 Clerk of Court using the CM/ECF  
4 System for filing and transmittal to:

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*s/ Sara Larsen* \_\_\_\_\_