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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MARTIN H. ESCOBAR,
Plaintiff,

vs.

JAN BREWER, Governor of the
State of Arizona, in her Official and
Individual Capacity; THE CITY OF
TUCSON, a municipal corporation;
and BARBARA LaWALL, County
Attorney, Pima County,
Defendants.

THE CITY OF TUCSON, a municipal
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

RESPONSE TO GOVERNOR
BREWER'S MOTION TO
EXTEND TIME TO RESPOND
TO CROSSCLAIM
FILED BY THE CITY OF TUCSON

1 The City of Tucson (hereafter the "City") hereby responds to Governor
2 Brewer's Motion to Extend Time to Respond to Crossclaim filed by the City of
3 Tucson.

4 The City initially notes that the undersigned attorney found no voice message
5 regarding the requested extension on his telephone on or after June 15, 2010, and
6 that none of the secretaries recall receiving any telephone call from the attorneys for
7 the Governor on June 15, 2010. Although the undersigned attorney has
8 communicated previously by email with the Governor's attorneys, there was also no
9 email message.
10

11 With respect to the substance of the request, Governor Brewer simply states
12 a belief "that it would be appropriate to respond to the City of Tucson's Crossclaim
13 after a response to plaintiff's Amended Complaint is filed." Motion, pg. 2. No
14 reason is provided to explain why this is "appropriate" and no reason is provided to
15 explain why the delay should be for almost two weeks until June 30th. The
16 Governor's motion thus provides no cause for the Court to act upon.
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18 The City's primary concern, however, is with establishing a reasonable
19 schedule for the filing of the substantive response and reply briefs on the City's
20 Motion for Preliminary Injunction. In order for the motion to be heard by the judge
21 ultimately responsible for this and/or the other cases filed on the constitutionality of
22 SB 1070, the response brief of Defendant Brewer should be filed no later than June
23 30th to allow a reply brief to be filed by July 9. That will still allow time for an
24 evidentiary hearing and consideration of the matter by the Court prior to the
25 effective date of SB 1070 which is July 29, 2010.
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/s/ Michelle Gensman