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18 IN THE UNITED STATES DISTRICT COURT
 19 FOR THE STATE OF ARIZONA

20 MARTIN H. ESCOBAR
 21 Plaintiff,
 22 v.
 23 JAN BREWER, Governor of
 24 the State of Arizona, in her
 25 Official and Individual
 26 Capacity, the City of Tucson,
 27 a municipal corporation, and
 28 Barbara LaWall, County
 Attorney, Pima County,
 Defendants.

No. CIV 10-249 TUC DCB

**REPLY TO BREWER RESPONSE
 TO REQUEST FOR TRANSFER
 AND CONSOLIDATION**

DAVID SALGADO and
 Chicanos Por la Causa, Inc.,
 Plaintiffs,
 v.
 JAN BREWER, individually
 and in her capacity as
 Governor of Arizona, and
 Capacity, the City of Phoenix,
 an Arizona municipal
 corporation,
 Defendants.

No. CIV 10-951 PHX ROS

1 Plaintiff, through his undersigned counsel, hereby replies to the response of
2 Defendant Brewer to plaintiff's request for transfer of his case to the Phoenix Division
3 to be consolidated with the *Salgado, et. al. v. Brewer, et al.*, CIV 10-951 PHX ROS
4 and urges both transfer to the Phoenix Division and consolidation. These decisions
5 are by the applicable Rule properly before this court.

6 Defendant Brewer does not object to transfer. In this regard she remains
7 consistent with her own request for the same that is pending before Judge Bolton.

8 With respect to consolidation, Defendant Brewer apparently seeks delay and
9 deferral of that decision to Judge Bolton. No substantive reason for requesting such
10 is identified. What is clear is that Defendant Brewer seeks to delay all aspects of this
11 case from timely briefing, a hearing or consideration of the pending motions for
12 preliminary injunction. This approach, while not unusual, does not serve the interests
13 of justice or promote judicial efficiency.

14 Since the filing of the instant motion, Judge Silver has issued a briefing
15 schedule for the motion for preliminary injunction filed by the plaintiffs and a separate
16 order setting a schedule for the briefing of Defendant Brewer's motion to dismiss. Both
17 orders provide all parties a set schedule that allows for the completion of briefing, an
18 evidentiary hearing and time for consideration of the parties positions concerning
19 standing and the need to enjoin SB 1070, as amended.

20 Consolidation of *Escobar* and *Salgado* as allowed by Rule 42, F.R.C.P. and
21 LRCiv. 42.1 undisputedly promotes judicial economy and efficiency, and allows for
22 consistent judicial rulings. The factors relevant to plaintiff's request, (1) whether
23 substantive matters have been considered in a case; (2) which Judge has the most
24 familiarity with issues involved in the cases; (3) whether a case is reasonably viewed
25 as the lead or principal case; (4) any other factor serving the interest of judicial
26 economy, were never addressed by Defendant Brewer in any meaningful way. Review
27 of the relevant dockets demonstrates that *Salgado* has evolved into the lead case
28 within the District. Consolidation of *Escobar* and *Salgado* only bolsters this conclusion.

1 For the reasons noted, it is respectfully requested that CIV 10-249 TUC DCB
2 be transferred to the Phoenix Division of the Federal District Court for the District of
3 Arizona and that it be consolidated with CIV 10-951 PHX ROS.

4 Respectfully submitted this 18th day of June 2010.

5 s/Richard M. Martinez, Esq.
6 Richard M. Martinez, Esq.

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8 Augustine B. Jimenez III, SBA No. 12208
9 **Montoya Jimenez, P.A.**

10 Counsel for Plaintiff

11 Copy electronically transmitted
12 this 18th day of June 2010
13 via the USDC Clerk of Court
14 using the CM/ECF System for
15 filing and transmittal to:

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