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11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF ARIZONA**

13 **MARTIN H. ESCOBAR,**  
 14 **Plaintiff,**

15 **vs.**

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

23 **THE CITY OF TUCSON, a municipal**  
 24 **corporation,**  
 25 **Cross-plaintiff,**

26 **vs.**

27 **THE STATE OF ARIZONA, a body**  
 28 **politic; and JAN BREWER, in her**  
 29 **capacity as Governor of the State**  
 30 **of Arizona,**  
 31 **Cross-defendants.**

**No. CV 10-249 TUC SRB**

**CROSS-PLAINTIFF CITY OF**  
**TUCSON'S STATUS REPORT**  
**ON PENDING MOTIONS**

1           The City of Tucson (“Tucson”) provides the following Status Report  
2 regarding Tucson’s Pending Motions.

- 3           • Tucson filed its answer to Plaintiff’s complaint and a crossclaim  
4           against Governor Jan Brewer and the State of Arizona on May  
5           26, 2010, asserting the unconstitutionality of SB 1070. (Clerk’s  
6           Docket #9) Governor Brewer answered the crossclaim on June  
7           21, 2010. (Clerk’s Docket #48) The State of Arizona filed a  
8           motion to dismiss the crossclaim on June 23, 2010. (Clerk’s  
9           Docket #54). Tucson has not filed a response to the State’s  
10          Motion to Dismiss. That motion has been pending for 6 days.
- 11          • Tucson filed a Motion for Leave to exceed page limitation  
12          (Clerk’s Docket #21) on June 7, 2010. Tucson filed notice with  
13          the Court that neither the Plaintiff nor Cross Defendant Brewer  
14          objected to the Motion for Leave to exceed the page limitation on  
15          June 8, 2010. (Clerk’s Docket #26) That motion has been  
16          pending for 22 days.
- 17          • Tucson served and lodged its Motion for Preliminary Injunction  
18          on June 7, 2010. (Clerk’s Docket #22) No response brief has  
19          been filed. That motion has been pending for 22 days.
- 20          • Tucson joined in Plaintiff Escobar’s request for an evidentiary  
21          hearing that is part of Plaintiff’s motion for preliminary injunction  
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on June 18, 2010. (Clerk's Docket #45). Plaintiff Escobar's motion, lodged on June 3, 2010, has been pending for 26 days.

Tucson filed its Response concurring with Plaintiff Escobar's Motion to Consolidate this case with *Salgado, et. al. v. Brewer, et. al.*, CV 10-943 PHX SRB on June 7, 2010. (Clerk's Docket #23, concurring with Clerk's Docket #20). The issue of transfer of cases has been resolved, but there has not been a separate decision on the motion to consolidate *Escobar* and *Salgado*. That motion has been pending for 25 days.

Respectfully submitted this 29th day of June, 2010.

MICHAEL G. RANKIN  
City Attorney

By: /s/ Michael W.L. McCrory  
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Principal Assistant City Attorney

Copies of the foregoing electronically transmitted via the USDC Clerk of Court using the CM/ECF System for filing and transmittal this 29th day of June, 2010, to:

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