

1 Noel Fidel, State Bar No. 002486
 2 **MARISCAL, WEEKS, McINTYRE**
 3 **& FRIEDLANDER, P.A.**
 4 2901 N. Central Ave., Suite 200
 5 Phoenix, AZ 85012
 6 Phone: (602) 285-5000; Fax: (602) 285-5100
 7 Noel.Fidel@mwmf.com

8 José de Jesús Rivera, State Bar No. 004604
 9 Robert E. Pastor, State Bar No. 021963
 10 Nathan J. Fidel, State Bar No. 025136
 11 **HARALSON, MILLER, PITT,**
 12 **FELDMAN & McANALLY, P.L.C.**
 13 2800 N. Central Ave., Suite 840
 14 Phoenix, AZ 85006
 15 Phone: (602) 266-5557; Fax: (602) 266-2223
 16 jrivera@hmpmlaw.com
 17 rpastor@hmpmlaw.com
 18 nfidel@hmpmlaw.com

19 Stanley G. Feldman, State Bar No. 000838
 20 Rebecca Reed, State Bar No. 23419
 21 Jeffrey A. Imig, State Bar No. 25552
 22 **HARALSON, MILLER, PITT,**
 23 **FELDMAN & McANALLY, P.L.C.**
 24 1 S. Church Ave., Suite 900
 25 Tucson, AZ 85701
 26 Phone: (520) 792-3836; Fax: (520) 624-5080
 27 sfeldman@hmpmlaw.com
 28 rreed@hmpmlaw.com
jimig@hmpmlaw.com

David L. Abney, State Bar. No. 09001
LAW OFFICE OF DAVID ABNEY
 414 E. Southern Ave.
 Mesa, AZ 85204
 Phone: (480) 833-8800; Fax: (480) 833-7146
abneymaturin@aol.com

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

MARTIN H. ESCOBAR,
 Plaintiff,

No. CV 10-249-TUC-SRB

**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 FOR
LEAVE TO FILE THEIR MOTION
FOR PRELIMINARY INJUNCTION
IN SUPPORT OF THEIR
COMPLAINT AND TO EXCEED THE
PAGE LIMITATION**

Assigned to: Susan R. Bolton

25 Plaintiff-Intervenors ("Cities") hereby move this Court to permit the Cities to file
26 their Motion for Preliminary Injunction in support of their Complaint and to exceed the
27 page limitations set by Local Rule 7.2(e). This case is one of many currently pending in
28 the District Court asking the Court to enjoin the State and Governor Brewer from
enforcing the Support Our Law Enforcement and Safe Neighborhoods Act ("SB1070").

The Cities' motion is lodged concurrently and does not exceed twenty-two (22)
pages. This exceeds the seventeen (17) page limit set by local rule. The additional pages
are needed, in part, because the four Cities need to explain the imminent harm they face
if SB1070 is not enjoined. This requires explaining the process of detention, questioning
and arrest of suspects and the destructive effect SB1070 will have on the Cities' law
enforcement efforts and budgets.

1 This factual basis for the Cities' Motion for Preliminary Injunction is coupled
2 with a complex and confusing statutory scheme that must be laid out in detail to
3 examine whether it is preempted by federal law or unconstitutionally vague. While the
4 Cities have done their best to avoid duplicating arguments made by other parties and to
5 make reference to others pleadings and exhibits, when possible, the Cities require
6 additional space to explain their case.

7 The Cities respectfully request the Court grant this Motion and allow the filing of
8 their Motion for Preliminary Injunction lodged herewith.

9
10
11 DATED this 29th day of June, 2010.

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

14
15 *s/ Noel Fidel*

Noel Fidel

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

18 *s/ Jose de Jesus Rivera*

Stanley G. Feldman

19 José de Jesús Rivera

20 LAW OFFICES OF DAVID ABNEY

21 *s/ David L. Abney*

22 David L. Abney

23 Attorneys for Plaintiffs
24
25
26
27
28

1 Copy electronically transmitted this
2 29th day of June 2010 via the USDC
3 Clerk of Court using the CM/ECF
4 System for filing and transmittal to:

5 John J. Bouma
6 Robert A. Henry
7 Joseph G. Adams
8 SNELL & WILMER, LLC
9 One Arizona Center
10 400 E. Van Buren
11 Phoenix, AZ 85004-2202

12 Joseph A. Kanefield
13 Office of Governor Janice K. Brewer
14 1700 W. Washington, 9th Floor
15 Phoenix, AZ 85007
16 *Attorneys for Defendant Governor Janice K. Brewer*

17 Michael G. Rankin
18 City Attorney
19 City of Tucson
20 Michael W.L. McCrory
21 Principal Assistant City Attorney
22 P.O. Box 27210
23 Tucson, AZ 85726
24 *Attorneys for City of Tucson*

25 Gary Verberg
26 City Attorney
27 City of Phoenix
28 Elaine K. Cardwell
Chief Counsel
Office of the City Attorney
City of Phoenix
200 W. Washington
Phoenix, AZ 85003-1611
Attorney for the City of Phoenix

Stephen Montoya
Augustine B. Jimenez III,
Montoya Jimenez, P.A.
The Great American Tower
3200 N. Central Ave., Suite 2550
Phoenix, AZ 85012
Attorneys for David Salgado & CPLC

1 Richard M. Martinez
2 307 S. Convent Ave.
3 Tucson, AZ 85701
4 *Attorney for Martin Escobar*

5 s/ Jennie Larsen

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28