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11 *Attorneys for Janice K. Brewer, Governor
of the State of Arizona, and the State of Arizona*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 Martin H. Escobar,
15
Plaintiff,

16 v.

17 Jan Brewer, Governor of the State of
Arizona, in her Official and Individual
18 Capacity; the City of Tucson, a
municipal corporation,
19
20 Defendants.

21 The City of Tucson,
22
Cross-plaintiff,

23 v.

24 The State of Arizona, a body politic; and
Jan Brewer, in her capacity as Governor
25 of the State of Arizona,
26
Cross-defendants.
27

28

Case No. CV10-00249-TUC-SRB

**STIPULATION REGARDING
WITHDRAWAL OF THE CITY OF
TUCSON'S MOTION FOR
PRELIMINARY INJUNCTION**

1 On July 8, 2010, defendant/cross-plaintiff City of Tucson (“Tucson”) filed a
2 motion for preliminary injunction (doc. 72) directed at defendants regarding the
3 enforcement of SB 1070. Under the Court’s order (doc. 78), responses to the motion are
4 due by August 10, 2010.

5 Counsel for Tucson and counsel for defendant Janice K. Brewer, in her capacity as
6 Governor of the State of Arizona (“Governor Brewer”), have conferred and agreed that
7 the Court’s order filed on July 28, 2010 in the case captioned *United States of America v.*
8 *State of Arizona, et al.*, Case No. CV10-1413-PHX-SRB, binds the City of Tucson as a
9 political subdivision of the State and confers the relief sought by Tucson with respect to
10 Section 2(B) of SB 1070. Tucson has raised legal challenges to SB 1070 which were not
11 made in the context of the preliminary injunction by the United States in the above case.
12 Tucson believes that it is in a unique position as a political entity subject to both state and
13 federal law to raise these challenges, but that any briefing of the separate issues should
14 await the Court’s decision on the pending motion to consolidate this case with *United*
15 *States of America v. State of Arizona, et al.* Accordingly, Tucson and Governor Brewer
16 stipulate to the withdrawal of Tucson’s motion, without prejudice to the filing of another
17 motion for preliminary injunction by Tucson at an appropriate time.

18 Respectfully submitted this 5th day of August, 2010.

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MICHAEL G. RANKIN
City Attorney

By s/Michael W.L. McCrory with permission
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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants on record:

s/John J. Bouma

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