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20 Attorneys for Plaintiffs

21 IN THE UNITED STATES DISTRICT COURT

22 FOR THE DISTRICT OF ARIZONA

23 MARIA M. GONZALEZ, et al.,)

No. 2006-CIV-01268-ROS

24 Plaintiffs,)

MOTION TO CONSOLIDATE
AND TRANSFER

25 vs.)

26 STATE OF ARIZONA, JAN BREWER, in)
27 her official capacity as Secretary of State of)
28 the state of Arizona; et al.,)

29 Defendants.)

30

THE INTER TRIBAL COUNCIL OF)
31 ARIZONA, INC., et al.)

No. 2006-CIV-_____

32 Plaintiffs,)

33 vs.)

34 JAN BREWER, in her official capacity as)
35 Secretary of State of Arizona,)

36 Defendants.)

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Pursuant to Federal Rule of Civil Procedure 42(a) and LRCiv 42.1(a)(1),(2), Local Rules of Practice of the United States District Court for the District of Arizona, the Inter Tribal Council of Arizona, Inc., League of Women Voters of Arizona, Hopi Tribe, League of United Latin American Citizens, Arizona Advocacy Network, People for the American Way Foundation, Latino Voting Rights Coalition, and Rep. Steve M. Gallardo (“Plaintiffs”) move this Court to transfer the action filed by Plaintiffs (the “ITCA Action”) to Hon. Roslyn O. Silver, before whom the previously-file case of *Gonzalez v. Arizona* 2:06-cv-01268 (the “*Gonzalez Action*”) is pending. In addition, upon transfer, Plaintiffs request that the ITCA Action be consolidated with the *Gonzalez Action* for all purposes.

Plaintiffs have submitted herewith their Proposed Order Transferring and Consolidating Related Actions.

In addition, anticipating transfer and consolidation, and to avoid delay, Plaintiffs have attached hereto a joinder in the *Gonzalez* Plaintiffs’ ex parte Application for TRO and Order to Show Cause. .

MOTION TO CONSOLIDATE AND TRANSFER RELATED CASES

In the event this action is not already randomly assigned to Hon. Roslyn O. Silver — before whom the *Gonzalez Action* is already pending — Plaintiffs request that this action be transferred to Judge Silver pursuant to LRCiv 42.1(a). Once the two cases are assigned to the same judge, Plaintiffs request that the matters be consolidated for all purposes under Fed. R. Civ. P. 42(a) and LRCiv 42.1(a)(2)

These related cases arise out of the same events and assert nearly identical claims against similar defendants. If heard by different Judges, the related cases would entail substantial duplication of labor. Finally, the claims asserted in both cases involve common questions of law and fact. Specifically, both complaints seek a declaration that the documentary proof of citizenship and polling place identification requirements of the “Arizona Taxpayer and Citizen Protection Act” (which appeared

1 on the ballot in November 2004 as Proposition 200), be declared unconstitutional both
2 facially and as applied, and both complaints seek to enjoin the further enforcement of
3 the voting provisions of the Act on the ground that they impose an unauthorized and
4 unnecessary burden on the fundamental right to vote in violation of the Fourteenth
5 and Twenty-Fourth Amendments to the U.S. Constitution; the Civil Rights Act of
6 1964, 42 U.S.C. § 1971(a)(2)(A) and (a)(2)(B); and Section 2 of the Voting Rights
7 Act of 1965, 42.U.S.C. § 1983(a). In addition, both complaints seeks declaratory and
8 injunctive relief to enforce compliance with the National Voter Registration Act of
9 1993, 42 U.S.C. § 1973gg-4(a), which mandates that states “shall use and accept” the
10 Federal Mail Voter Registration Form to register voters.

11 For these reasons, and to promote judicial economy and avoid duplication of
12 effort, Plaintiffs request that the Court enter their Proposed Order Transferring and
13 Consolidating Related Actions.

14 DATED this 24th day of May, 2006.

15 OSBORN MALEDON, P.A.

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I hereby certify that on May 24, 2006, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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1 I hereby certify that on this 24th day of May, 2006, I served a true and correct copy of
2 the foregoing on counsel of record by sending said a copy via First Class Mail:

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20 _____
21 /s Patty Palmer

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