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17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF ARIZONA  
19

20 Arizona Asian American Native Hawaiian  
21 And Pacific Islander For Equity Coalition,

22 Plaintiff,

23 v.

24 Katie Hobbs, in her official capacity as  
Arizona Secretary of State; et al.,

25 Defendants.  
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Case No.: CV-22-01381-PHX-DLR

**MOTION TO TRANSFER (RELATED  
CASES 22-CV-509, 22-CV-519, 22-CV-  
1003, AND 22-CV-1124) AND  
SUPPORTING MEMORANDUM OF  
LAW**

1 Pursuant to Arizona Local Rule 42.1(a) and (b), Plaintiff Arizona Asian American  
2 Native Hawaiian and Pacific Islander for Equity Coalition (“Plaintiff”) respectfully  
3 moves to transfer this case, 22-cv-01381-PHX-DLR, to the Honorable Judge Susan R.  
4 Bolton, who is presiding over four related cases consolidated under *Mi Familia Vota v.*  
5 *Hobbs*, No. 22-cv-00509-PHX-SRB (D. Ariz.).

6 Currently, no defendant has indicated they oppose this motion. Plaintiff has  
7 corresponded with defendants and counsel for defendants Secretary of State Hobbs,  
8 Attorney General Brnovich, and County Recorders David Stevens (Cochise County),  
9 Stephen Richer (Maricopa County), Gabriella Cázares-Kelly (Pima County), Dana Lewis  
10 (Pinal County) Michelle Burchill (Yavapai County) and Richard Colwell (Yuma County)  
11 have indicated they do not oppose. Plaintiff has either not heard back or not received  
12 definitive answers from the remaining defendant County Recorders.

13 On April 13, 2022, the Honorable Chief Judge G. Murray Snow ordered transfer  
14 of *Mi Familia Vota v. Hobbs*, No. 2:22-cv-509, to the Honorable Judge Bolton, who was  
15 presiding over *Living United for Change in Arizona v. Hobbs*, No. 2:22-cv-519, because  
16 the two cases “challenge[] the same statute [H.B. 2492] on substantially similar grounds”  
17 and involve “similar legal issues.”<sup>1</sup> On May 17, 2022, the Honorable Judge Bolton  
18 ordered consolidation of those two cases.<sup>2</sup> Next, the *Poder Latinx v. Hobbs*, No. 2:22-cv-  
19 1003, and *United States of America v. Arizona*, No. 2:22-cv-1124, cases were filed, also  
20 challenging H.B. 2492. The DOJ’s case was assigned to the Honorable Judge Bolton,  
21 and the *Poder Latinx* case was subsequently transferred to the Honorable Judge Bolton.<sup>3</sup>  
22 Then, plaintiffs in *Mi Familia Vota v. Hobbs*, No. 2:22-cv-509, and *Living United for*  
23 *Change in Arizona v. Hobbs*, No. 2:22-cv-519, filed amended complaints.<sup>4</sup> Finally, the  
24 *Poder Latinx* and DOJ cases were consolidated with lead case No. 22-cv-509-SRB.<sup>5</sup>

25 <sup>1</sup> No. 22-cv-509-SRB, Dkt. 13, at 1.

26 <sup>2</sup> No. 22-cv-509-SRB, Dkt. 39.

27 <sup>3</sup> No. 22-cv-509-SRB, Dkt. 63.

28 <sup>4</sup> No. 22-cv-509-SRB, Dkt. 65 & Dkt. 67.

<sup>5</sup> No. 22-cv-509-SRB, Dkt. 69 & Dkt. 79.

1 Civil Local Rule 42.1 provides that “[w]hen two or more cases are pending before  
 2 different Judges, a party in any of those cases may file a motion to transfer the case or  
 3 cases to a single Judge on the ground that the cases: (1) arise from substantially the same  
 4 transaction or event; (2) involve substantially the same parties or property; . . . (4) call for  
 5 determination of substantially the same questions of law; or (5) for any other reason  
 6 would entail substantial duplication of labor if heard by different judges.” “[T]he Court  
 7 has broad discretion in deciding a motion to transfer under LRCiv 42.1(a).” *US Airline*  
 8 *Pilots Assn. v. Addington*, No. CV-08-01633-PHX-NVW, 2010 WL 4117216, at \*1 (D.  
 9 Ariz. Oct. 19, 2010).

10 All of the above factors favor transferring this case to the Honorable Judge Bolton.  
 11 Plaintiffs in the consolidated cases challenge the legality of H.B. 2492 pursuant to  
 12 various claims under the U.S. Constitution, the Civil Rights Act of 1964, and/or the  
 13 National Voter Registration Act of 1993.<sup>6</sup> Plaintiff in this case also challenges the  
 14 legality of H.B. 2492 under the U.S. Constitution, the Civil Rights Act of 1964, and the  
 15 National Voter Registration Act of 1993.<sup>7</sup> While there is not complete overlap in the  
 16 claims or legal bases for the claims across the *Mi Familia Vota* consolidated cases and  
 17 this case,<sup>8</sup> each case concerns the same legislative actions and hinge upon substantially

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 19 <sup>6</sup> See *Mi Familia Vota* Second Am. Compl., *Mi Familia Vota v. Hobbs*, No. 22-cv-00509-  
 20 PHX-SRB (D. Ariz. July 18, 2022), Dkt. 65 at ¶¶ 76-106; LUCHA Am. Compl., *Mi*  
 21 *Familia Vota v. Hobbs*, No. 22-cv-00509-PHX-SRB (D. Ariz. July 18, 2022), Dkt. 67 at  
 22 ¶¶ 308-62; Poder Latinx Compl., *Poder Latinx v. Hobbs*, No. 22-cv-01003-PHX-SRB (D.  
 23 Ariz. June 9, 2022), Dkt. 1 at ¶¶ 62-97; United States of America, Compl., *United States*  
 24 *of America v. State of Arizona*, No. 22-cv-01124-PHX-SRB (D. Ariz. July 5, 2022), Dkt.  
 25 1 at ¶¶ 62-71.

26 <sup>7</sup> Compl., No. 2:22-cv-01381-PHX-DLR, Dkt. 1 at ¶¶ 113-74.

27 <sup>8</sup> In particular, Plaintiff’s complaint is also focused on challenging a separate, very recent  
 28 election law statute, H.B. 2243. H.B. 2243 currently has only been raised in one of the  
 consolidated cases, *Living United for Change in Arizona v. Hobbs*, No. 2:22-cv-519, but  
 has not been addressed in the consolidated case filings regarding timing and scheduling,  
 including the Joint Motion for a Procedural Order Regarding Briefing filed today by all  
 parties in the consolidated cases, Dkt. 84, No. 22-cv-509. Plaintiff believes that its  
 claims regarding H.B. 2243 potentially require significantly greater urgency given H.B.  
 2243 has an apparent effective date of September 24, 2022 (as opposed to the January 1,  
 2023 effective date of H.B. 2492), and Plaintiff may be required to shortly file a motion  
 for preliminary injunction to stop the implementation of H.B. 2243 by Arizona county  
 recorders before the November 2022 election.

1 overlapping facts related to H.B. 2492. Moreover, each case will require determination  
2 of substantially the same questions of law as to the challenged laws' legality.  
3 Additionally, there are overlapping defendants across all the cases, including Secretary of  
4 State Katie Hobbs, Arizona Attorney General Mark Brnovich, and the County Recorders,  
5 and therefore likely overlapping discovery in all the cases. Further, the Honorable Judge  
6 Bolton has already considered at least some substantive matters and become familiar with  
7 the issues in these cases in denying a motion to intervene and setting deadlines in the  
8 consolidated cases.<sup>9</sup>

9 Based on the presence of common triable facts and alleged unconstitutional  
10 actions, and because proceeding before the same Judge will promote efficiency and  
11 convenience without imposing undue prejudice, transfer to the Honorable Judge Bolton is  
12 appropriate.

13 For the reasons set out above, Plaintiff respectfully requests that this Court transfer  
14 this case to the Honorable Judge Bolton. Pursuant to Local Rule Civ. 7.1(b)(2), a  
15 proposed order is attached.

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<sup>9</sup> See No. 22-cv-509-SRB, Dkts. 48, 57, 75; LRCiv 42.1(d).

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Dated: August 18, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of August, 2022, I caused the foregoing to be filed and served electronically via the Court’s CM/ECF system upon counsel of record. For parties whose counsel have not yet entered an appearance, copies of this motion have been served via electronic mail and/or mail.

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