

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ARIZONA CONTRACTORS)
ASSOCIATION, INC., an Arizona non-)
profit corporation; ARIZONA)
EMPLOYERS FOR IMMIGRATION)
REFORM, INC., an Arizona non-profit)
corporation; CHAMBER OF)
COMMERCE OF THE UNITED)
STATES OF AMERICA, a Washington)
D.C. non-profit corporation; ARIZONA)
CHAMBER OF COMMERCE, an)
Arizona non-profit corporation;)
ARIZONA HISPANIC CHAMBER OF)
COMMERCE, INC., an Arizona non-)
profit corporation; ARIZONA FARM)
BUREAU FEDERATION, an Arizona)
non-profit corporation; ARIZONA)
RESTAURANT AND HOSPITALITY)
ASSOCIATION, an Arizona non-profit)
corporation; ASSOCIATED MINORITY)
CONTRACTORS OF AMERICA, an)
Arizona non-profit limited liability)
company; ARIZONA ROOFING)
CONTRACTORS ASSOCIATION, an)
Arizona non-profit corporation;)
NATIONAL ROOFING)
CONTRACTORS' ASSOCIATION, an)
Illinois not-for-profit corporation;)
WAKE UP ARIZONA! INC., an)
Arizona non-profit corporation; and)
ARIZONA LANDSCAPE)
CONTRACTORS ASSOCIATION,)
INC., an Arizona non-profit corporation,)

Plaintiffs,

vs.

No. CV07-02496-PHX-NVW (consol.)

MEMORANDUM

1 CRISS CANDELARIA, Apache County)
Attorney; ED RHEINHEIMER, Cochise)
2 County Attorney; TERENCE C.)
HANER, Coconino County Attorney;)
3 DAISY FLORES, Gila County Attorney;)
KENNY ANGLE, Graham County)
4 Attorney; DEREK D. RAPIER, Greenlee)
County Attorney; MARTIN BRANNAN,)
5 LaPaz County Attorney; ANDREW P.)
THOMAS, Maricopa County Attorney;)
6 MATTHEW J. SMITH, Mohave County)
Attorney; JAMES CURRIER, Navajo)
7 County Attorney; BARBARA)
LAWALL, Pima County Attorney;)
8 JAMES P. WALSH, Pinal County)
Attorney; GEORGE SILVA, Santa Cruz)
9 County Attorney; SHEILA POLK,)
Yavapai County Attorney; JON SMITH,)
10 Yuma County Attorney; TERRY)
GODDARD, Attorney General of the)
11 State of Arizona; and FIDELIS V.)
GARCIA, Director of the Arizona)
12 Registrar of Contractors,)

13 Defendants.)

14 VALLE DEL SOL, INC.; CHICANOS)
POR LA CAUSA, INC.; and SOMOS)
15 AMERICA,)

16 Plaintiffs,)

17 vs.)

18 TERRY GODDARD, in his official)
19 capacity as Attorney General of the State)
of Arizona; GALE GARRIOTT, in his)
20 official capacity as the Director of the)
Arizona Department of Revenue; and)
21 ANDREW THOMAS, in his official)
capacity as Maricopa County Attorney,)

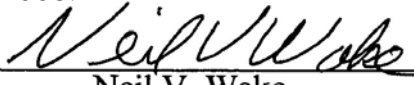
22 Defendants.)
23

24 1. By separate order the court has directed entry of judgment in favor of
25 Defendants, except that the Attorney General is dismissed. The court anticipates a
26 motion for injunction pending appeal, as was filed in *Arizona Contractors I*, Cause No.
27 CV 07-1355. The evidentiary record and briefing in this case were at first occasioned by
28

1 motions for preliminary injunction that substantially address questions of balance of
2 hardships. Indeed, the quality of the record in this case concerning balance of hardships
3 far exceeds the quality of the record in *Arizona Contractors I*, No. CV 07-1355. Upon
4 the parties' stipulation to trial on the merits on January 16, 2008, those portions of the
5 briefs and the record largely ceased to matter for purposes of that hearing. The parties
6 may be satisfied with the existing evidentiary record and briefing for purposes of a ruling
7 on a motion for injunction pending appeal. However, the parties have the right to present
8 more if they wish. The court's hope is to have any further submissions waived or
9 completed promptly so that a motion for injunction pending appeal could be ruled on
10 within a few days.

11 2. Various members of the public have mailed letters (approximately 15 in
12 number) to the court concerning this litigation and the prior litigation, *Arizona*
13 *Contractors I*, No. CV 07-1355. The court assumes that the senders of such mail are
14 unaware that it is improper for the court to have communications about this litigation
15 other than through court proceedings. From the outset of this litigation, the court has
16 instructed its staff not to present any such letters to the court, and the court has not read
17 any of them. The court files this memorandum to so inform the parties.

18 DATED this 7th day of February, 2008.

19 
20 _____
21 Neil V. Wake
22 United States District Judge
23
24
25
26
27
28