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

ACOSTA et al.,

Plaintiffs,

vs.

JOHN HUPPENTHAL, Superintendent of
Public Instruction in his Official Capacity,
et. al.,

Defendants.

Case No. CV-10-623-TUC-AWT

**MOTION FOR LEAVE TO FILE AMICI
CURIAE BRIEF AND TO EXCEED PAGE
LIMIT**

Margarita Elena Dominguez, and Nicholas
A. Dominguez,

Plaintiffs-Intervenors,

vs.

JOHN HUPPENTHAL, Superintendent of
Public Instruction in his Official Capacity,

Defendant.

Honorable A. Wallace Tashima

Undersigned counsel, on behalf of the National Association for Chicana and Chicano Studies (NACCS), and 26 other organizations noted below – representing the views of Chicano educators and others with a significant interest in the field of Mexican-American and/or Chicano studies, ethnic studies, and academic endeavors free from discrimination – respectfully request leave of the Court to file an *Amici Curiae* brief exceeding the page limit in support of Plaintiff's motion for summary judgment and in opposition to summary judgment or dismissal.

1 This Court has broad discretion to grant or deny leave to file a brief *amicus curiae*.
2 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). Such briefs fulfill their “classic role...by
3 assisting in a case of general public interest, supplementing the efforts of counsel, and drawing
4 the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r. of Labor &*
Indus., 694 F.2d 203, 204 (9th Cir. 1982).

5 Established in 1972, NACCS is the nation’s oldest and most prominent academic and
6 scholarly organization dedicated to Chicana and Chicano Studies, otherwise known as Mexican-
7 American studies, which is an important subfield in the broader interdisciplinary domain known
8 as Ethnic Studies.

9 Other *Amici Curiae* include: Association for Asian American Studies (AAAS), Hispanic
10 Association of Colleges and Universities (HACU); the National Latino/a Education Research
11 and Policy Project; the Mexican American Studies Department of San Jose State University;
12 Chicano Studies Department of California State University-Northridge; the League of United
13 Latin American Citizens (LULAC), a national 501(c)(3) organization; Association of Raza
14 Educators (ARE); Aztlan Libre Press; California Faculty Association (CFA); Coalición
15 México-Americana (MXAC); Esperanza Peace and Justice Center (EPJC); For
16 Chicana/Chicano Studies Foundation (FCCSF); Georgia Latino Alliance for Human Rights
17 (GLAHR); Indigenous Women's Network/Alma de Mujer Center for Social Change; Latino
18 Education and Advocacy Days (LEAD Organization); Mujeres Activas en Letras y Cambio
19 Social (MALCS); Mujeres Activas en Letras y Cambio Social – Tejas (MALCS-Tejas);
20 American Studies Association (ASA); Society for Applied Anthropology (SfAA), South Central
21 Farmers (SCF); SouthWest Organizing Project (SWOP); Texas Association of Chicanos in
22 Higher Education (TACHE); Texas League of United Latin American Citizens (Texas LULAC);
23 the Acequia Institute (TAI); Unitarian Universalist Association – Pacific Southwest District;
24 and others.

25 Given the national implications of the passage and implementation of Arizona's ban on
26 Mexican-American studies and other ethnic studies, it is critical for the Court to hear the views
of those who have been researching and writing and teaching students in these fields for more
than 40+ years, along with those other groups supporting and or aligned with the protection of
civil rights of Mexican-Americans and other racial and ethnic groups, such as the national
League of United Latin American Citizens (LULAC). The views and experience of these parties
will aid the Court's understanding of the broad legal, educational and social issues related to the

1 Arizona law and the Constitutional issues as well as the ramifications of its implementation on
2 these fields of study and the class of Mexican-Americans or other identifiable groups based on
3 racial or national origin classifications.

4 Granting leave to file this brief will not delay the scheduled hearings on any of the
5 motions or cross-motions for summary judgment or the eventual trial on the merits. Proposed
6 Amici further request permission to file a brief exceeding the page limits since both parties were
7 permitted to file over-sized briefs in this case.


8 Counsel for Plaintiffs have consented to the filing of this brief, however, Defendants are
9 opposed to allowing the Court to hear this critical perspective.

10 For the foregoing reasons, NACCS and the above organizations and entities hereby
11 respectfully request that the Court grant leave for the filing of a brief Amici Curiae on the issues
12 pending before this Court.

13 DATED this 7th day of March, 2012.

VINCE RABAGO LAW OFFICE PLC

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17 Stacy Scheff, Esq.

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21 Vince Rabago, Esq.

22 VINCE RABAGO LAW OFFICE PLC
23 *Attorneys for Amici*

24 Delivered this 7th day of March, 2012
25 by U.S. mail to:

26 The Hon. A. Wallace Tashima
U.S. District Court, Arizona
Evo A. DeConcini U.S. Courthouse
405 W. Congress Street, Suite 1500
Tucson, AZ 85701-5010

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