

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

A.P.F., on his own behalf and on behalf of his
minor child on behalf of O.B. et al.,

Plaintiffs,

v.

United States of America,

Defendant.

No. CV-20-00065-PHX-SMB
CV-19-05217-PHX-SRB
ORDER

Plaintiff filed a Motion to Transfer this case to this Court on February 14, 2020 citing LRCiv 42.1. The Plaintiffs are two fathers and their two children who were detained upon crossing the U.S.-Mexico border in Arizona in May 2018. The fathers were separated from their children based on a family separation policy then in effect which the Complaint alleges was intended to deter illegal immigration of parents and their minor children. This Court has pending before it *C.M. v. United States of America*, CV19-05217 involving five mothers and five children who were detained upon crossing the U.S.- Mexico border in Arizona in May 2018. The mothers were separated from their children based on a family separation policy then in effect which the Complaint alleges was intended to deter illegal immigration of parents and their minor children. Plaintiffs in CV19-05217-PHX-SRB have filed a Statement of Non-Opposition to the Motion to Transfer. The United States has filed a Response in opposition to transfer. Plaintiffs have replied and later supplemented their Reply to attach a Motion to Dismiss filed by the United States that is identical in significant parts to the Motion to Dismiss recently decided by this Court.

1 Plaintiffs argue that this case meets the relevant factors listed in LRCiv 42.1(a)
2 favoring transfer. Specifically, Plaintiffs claim that this case arises from substantially the
3 same events as the CV19-05217-PHX-SRB, that this case involves the same Defendant,
4 and the same questions of law. Plaintiffs argue that having the cases heard by different
5 judges would entail duplication of labor and that transfer will promote judicial economy.
6 The United States' argues in its Response that none of the LRCiv 42.1(a) factors support
7 transfer. This Court disagrees.

8 This Court has recently ruled on a Motion to Dismiss filed by the United States in
9 CV19-05217-PHX-SRB. The arguments made by the United States of lack of subject
10 matter jurisdiction are substantially identical to the arguments made in the Motion to
11 Dismiss filed in this case. The claims brought in both cases are for negligence and
12 intentional infliction of emotional distress arising out of the alleged actions of federal
13 employees enforcing the family separation policy. Based on a review of the allegations in
14 both Complaints and the causes of action pled, the Court finds that both cases involve
15 substantially the same questions of law and would entail substantial duplication of labor if
16 heard by different judges. Both cases also involve the enforcement of the same policy of
17 family separation by federal employees in Arizona in May 2018. The Court believes that
18 judicial economy will be served by transfer of these related cases.

19 The Court has consulted with the Judge to whom this case is assigned and she has
20 no objection to transfer.

21 IT IS ORDERED granting Plaintiffs' Motion to Transfer. (Doc. 10 in CV20-00065
22 and Doc. 21 in CV19-05217)

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that counsel shall use the case number CV20-00065-
2 PHX-SRB for all further proceedings.

3
4 Dated this 13th day of April, 2020.

5
6
7
8 
9 Susan R. Bolton
United States District Judge

10
11
12 cc: Chief Judge Snow
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28