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

Russell B. Toomey,

Plaintiff,

v.

State of Arizona; Arizona Board of Regents, d/b/a University of Arizona, a governmental body of the State of Arizona;
Ron Shoopman, in his official capacity as chair of the Arizona Board Of Regents;
Larry Penley, in his official capacity as Member of the Arizona Board of Regents;
Ram Krishna, in his official capacity as Secretary of the Arizona Board of Regents;
Bill Ridenour, in his official capacity as Treasurer of the Arizona Board of Regents;
Lyndel Manson, in her official capacity as Member of the Arizona Board of Regents;
Karrin Taylor Robson, in her official capacity as Member of the Arizona Board of Regents;
Jay Heiler, in his official capacity as Member of the Arizona Board of Regents;
Fred Duval, in his official capacity as Member of the Arizona Board of Regents;
Gilbert Davidson, in his official capacity as Interim Director of the Arizona Department of Administration;
Paul Shannon, in his official capacity as Acting Assistant Director of the Benefits Services Division of the Arizona Department of Administration,

Defendants.

Case No. CV 19-00035-TUC-RM
(LCK)

**PLAINTIFF’S MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANTS
STATE OF ARIZONA, GILBERT
DAVIDSON, AND PAUL
SHANNON’S MOTION TO
DISMISS
(First Request)**

1 Plaintiff Russel B. Toomey, by and through undersigned counsel, respectfully
2 moves this Court for an order extending the time for him to file a Response to Defendants
3 State of Arizona, Gilbert Davidson and Paul Shannon's ("Defendants") Motion to
4 Dismiss by thirty (30) days, up to and including May 1, 2019. This is Plaintiff's first
5 request for an extension.
6

7 Plaintiff filed his Complaint on January 23, 2019 (Doc. 1). Defendants requested
8 that Plaintiff grant them an extension of 26 days to respond to the Complaint. Plaintiff
9 stipulated to Defendants' request for an extension to respond. (Doc. 15).
10

11 In response to the Complaint, Defendants filed a Motion to Dismiss pursuant to
12 Fed.R.Civ.P. 12(b)(1) and 12(b)(6) on March 18, 2019. (Doc. 24). Plaintiff's Response to
13 the Motion to Dismiss is due on April 1, 2019. Due to the legal complexity and novelty
14 of the issues raised in Defendants' Motion to Dismiss, Plaintiff requires additional time to
15 research and brief his Response.
16

17 Plaintiff's counsel conferred with Defendants' counsel regarding an extension and
18 requested an additional thirty (30) days to respond. Defendants' counsel would not
19 stipulate to a thirty (30) day extension, however, Defendants' counsel has indicated that
20 Defendants do not object.
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22 A proposed form of order consistent with the relief requested is attached.
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DATED this 28th day of March, 2019.

ACLU FOUNDATION OF ARIZONA

By /s/ Kathleen Brody
Kathleen E. Brody
Molly Brizgys

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

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Attorneys for Plaintiff Russell B. Toomey

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Gilbert Davidson, in his official capacity as Interim Director of the Arizona Department of Administration;
Paul Shannon, in his official capacity as Acting Assistant Director of the Benefits Services Division of the Arizona Department of Administration,

Defendants.

Case No. CV-19-00035-TUC-RM (LCK)

[PROPOSED] ORDER

1 This matter is before the Court on Plaintiff's *Motion for Extension of Time to*
2 *Respond to Defendants State of Arizona, Gilbert Davidson, and Paul Shannon's Motion to*
3 *Dismiss* (Doc. **). Having reviewed and considered the Motion, and good cause
4 appearing,

5 **IT IS ORDERED** approving the Motion (Doc. **) and allowing Plaintiff up to
6 and including May 1, 2019 to respond to Defendants State of Arizona, Gilbert Davidson
7 and Paul Shannon's Motion to Dismiss (Doc. 24).
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