

1 C. Christine Burns #017108
Kathryn Hackett King #024698
2 Sarah N. O’Keefe #024598
BURNSBARTON PLC
3 2201 East Camelback Road, Ste. 360
Phone: (602) 753-4500
4 christine@burnsbarton.com
kate@burnsbarton.com
5 sarah@burnsbarton.com
Attorney for Defendants State of Arizona
6 *Gilbert Davidson, and Paul Shannon*

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 Russell B. Toomey,
11 Plaintiff,
12 vs.
13 State of Arizona; Arizona Board of
14 Regents, d/b/a University of Arizona, a
15 governmental body of the State of Arizona;
16 et al.,
Defendants.

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

**NOTICE OF NON-OPPOSITION TO
PLAINTIFF’S MOTION FOR
EXTENSION OF TIME TO
RESPOND TO MOTION TO
DISMISS**

17 Defendants State of Arizona, Gilbert Davidson, and Paul Shannon (“State
18 Defendants”) provide notice they do not oppose Plaintiff’s Motion for Extension of Time
19 to Respond to Motion to Dismiss. (Dkt. 25)

20 State Defendants previously requested an extension of time to respond to the
21 Complaint because counsel for State Defendants was retained five (5) days before the
22 responsive pleading was due. (Dkt. 15) Plaintiff and the State Defendants agreed to allow
23 State Defendants 30 days from the date counsel was retained to respond to the Complaint.
24 (Dkt. 15)

25 Plaintiff’s Motion for an Extension of Time to Respond to the Motion to Dismiss
26 would permit Plaintiff to file a Response 44 days after the Motion to Dismiss was
27 filed. (Dkt. 24) State Defendants did not stipulate to this time period, as they were unsure
28 whether the Court would grant an extension for this length of time – but they assured

1 Plaintiff that they would not oppose its request. Accordingly, State Defendants hereby
2 provide notice they do not oppose Plaintiff's Motion for Extension of Time. (Dkt. 25)

3 RESPECTFULLY SUBMITTED this 29th day of March, 2019.
4

5 **BURNSBARTON PLC**

6
7 By /s/Kathryn Hackett King
8 C. Christine Burns
9 Kathryn Hackett King
10 Sarah N. O'Keefe
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2019, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants.

Kathleen E. Brody
Molly Brizgys
ACLU Foundation of Arizona
3707 North 7th Street, Suite 235
Phoenix, AZ 85014
kbrody@acluaz.org
mbrizgys@acluaz.org

Joshua A. Block
Leslie Cooper
American Civil Liberties Union Foundation
125 Broad Street, Floor 18
New York, NY 10004
jblock@aclu.org
lcooper@aclu.org

James Burr Shields
Heather A. Macre
Natalie B. Virden
Aiken Schenk Hawkins & Ricciardi P.C.
2390 East Camelback Road, Suite 400
Phoenix, AZ 85016
burr@aikenschenk.com
ham@aikenschnek.com
nbv@aikenschenk.com
Attorneys for Plaintiff

Paul F. Eckstein
Austin C. Yost
Perkins Coie LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
PEckstein@perkinscoie.com
AYost@perkinscoie.com
DocketPHX@perkinscoie.com
*Attorneys for Defendants Arizona Board of Regents,
d/b/a University of Arizona; Ron Shoopman; Larry Penley;
Ram Krishna; Bill Ridenour; Lyndel Manson; Karrin
Taylor Robson; Jay Heiler; and Fred Duval*

s/ Betsy Hibbs
