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11 *Attorneys for Defendants Arizona Board of Regents,*  
12 *Ron Shoopman, Larry Penley, Ram Krishna,*  
13 *Bill Ridenour, Lyndel Manson, Karrin Taylor Robson,*  
14 *Jay Heiler, and Fred DuVal*

15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE DISTRICT OF ARIZONA

17 **Russell B. Toomey,**

18 Plaintiff,

19 v.

20 **State of Arizona; Arizona Board of**  
21 **Regents, d/b/a University of Arizona,** a  
22 governmental body of the State of Arizona;  
23 **Ron Shoopman,** in his official capacity as  
24 Chair of the Arizona Board of Regents;  
25 **Larry Penley,** in his official capacity as  
26 Member of the Arizona Board of Regents;  
27 **Ram Krishna,** in his official capacity as  
28 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

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

**DEFENDANTS ARIZONA BOARD  
OF REGENTS, RON SHOOPMAN,  
LARRY PENLEY, RAM KRISHNA,  
BILL RIDENOUR, LYNDEL  
MANSON, KARRIN TAYLOR  
ROBSON, JAY HEILER, AND  
FRED DUVAL'S OBJECTION  
TO REPORT AND  
RECOMMENDATION (DOC. 46)**

1 capacity as Member of the Arizona Board of  
2 Regents; **Andy Tobin**, in his official  
3 capacity as Director of the Arizona  
4 Department of Administration; **Paul**  
5 **Shannon**, in his official capacity as Acting  
6 Assistant Director of the Benefits Services  
7 Division of the Arizona Department of  
8 Administration,

Defendants.

9 Pursuant to 28 U.S.C. § 636(b)(1), Defendants Arizona Board of Regents, Ron  
10 Shoopman, Larry Penley, Ram Krishna, Bill Ridenour, Lyndel Manson, Karrin Taylor  
11 Robson, Jay Heiler, and Fred DuVal (collectively, “Answering Defendants”) object to the  
12 Magistrate Judge’s Report and Recommendation, (Doc. 46), on the grounds that it is not  
13 clear from the Report and Recommendation whether the Magistrate Judge’s recommended  
14 dismissal of the Title VII claim applies to all parties. To the extent that the dismissal of the  
15 Title VII claim does not apply to all parties, Answering Defendants object. Answering  
16 Defendants should get the benefit of any ruling granting dismissal of the Title VII claim,  
17 especially when, as here, the dismissal is based entirely on legal grounds and the Answering  
18 Defendants do not control the health care plan that is central to Plaintiff’s Title VII claim.

19 RESPECTFULLY SUBMITTED this July 3, 2019.

20 **PERKINS COIE LLP**

21 By /s/ Paul F. Eckstein

22 Paul F. Eckstein

23 Austin C. Yost

24 2901 N. Central Avenue, Suite 2000

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25 *Attorneys for Defendants Arizona Board of*  
26 *Regents, Ron Shoopman, Larry Penley, Ram*  
27 *Krishna, Bill Ridenour, Lyndel Manson, Karrin*  
28 *Taylor Robson, Jay Heiler, and Fred DuVal*

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 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.

A copy was also e-mailed this July 3, 2019 to:

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/s/ Clair Wendt  
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