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

16 **Russell B. Toomey,**
17
Plaintiff,

18 v.

19 **State of Arizona; Arizona Board of**
20 **Regents, d/b/a University of Arizona,** a
governmental body of the State of Arizona;
21 **Ron Shoopman,** in his official capacity as
Chair of the Arizona Board of Regents;
22 **Larry Penley,** in his official capacity as
Member of the Arizona Board of Regents;
23 **Ram Krishna,** in his official capacity as
Secretary of the Arizona Board of Regents;
24 **Bill Ridenour,** in his official capacity as
Treasurer of the Arizona Board of Regents;
25 **Lyndel Manson,** in her official capacity as
Member of the Arizona Board of Regents;
26 **Karrin Taylor Robson,** in her official
capacity as Member of the Arizona Board
27 of Regents; **Jay Heiler,** in his official
capacity as Member of the Arizona Board
28 of Regents; **Andy Tobin,** in his official

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

**STIPULATION TO RESCHEDULE
ORAL ARGUMENT DATE ON
STATE DEFENDANTS’ MOTION TO
DISMISS AND OBJECTIONS TO
THE MAGISTRATE JUDGE’S
REPORT AND
RECOMMENDATION**

1 capacity as Director of the Arizona
 2 Department of Administration; **Paul**
 3 **Shannon**, in his official capacity as Acting
 4 Assistant Director of the Benefits Services
 Division of the Arizona Department of
 Administration,
 Defendants.

5 On August 5, 2019, this Court scheduled oral argument on September 16, 2019 at
 6 1:30 p.m. on the Defendants State of Arizona, Andy Tobin, and Paul Shannon’s
 7 (collectively “State Defendants”) Motion to Dismiss and the Objections to the Magistrate
 8 Judge’s Report and Recommendation. (Doc. 61) Plaintiff Russell Toomey (“Plaintiff”)
 9 and the State Defendants hereby stipulate to reschedule the date for the oral argument to
 10 **October 3, 2019 at 2:00 p.m.** Counsel for the Plaintiff and counsel for the State
 11 Defendants have corresponded with Court personnel and understand this date and time is
 12 available for the oral argument.

13 This brief extension is being requested because lead counsel for the State
 14 Defendants is traveling to an out-of-state deposition at the time of the currently scheduled
 15 oral argument. This request is made in good faith and not for the purpose of delay.

16 For the foregoing reasons, the parties respectfully request this Court enter an order
 17 rescheduling the oral argument as follows:

Event	Current Date	Extended Date
Oral Argument	September 16, 2019 at 1:30 p.m.	October 3, 2019 at 2:00 p.m.

21 A proposed form of order is attached hereto.

22 RESPECTFULLY SUBMITTED this 14th day of August, 2019.

23 **BURNSBARTON PLC**

24 By /s/ Kathryn Hackett King
 25 C. Christine Burns
 26 Kathryn Hackett King
 27 Sarah N. O’Keefe
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AIKEN SCHENK HAWKINS & RICCIARDI P.C.

By /s/ James Burr Shields (w/permission)
James Burr Shields
Heather A. Macre

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 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 on this 14th day of August, 2019, to:

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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/ Carolyn Galbreath

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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; **Andy Tobin,** in his official capacity as 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 (LAB)

[PROPOSED] ORDER GRANTING STIPULATION TO RESCHEDULE ORAL ARGUMENT DATE ON STATE DEFENDANTS' MOTION TO DISMISS AND OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

In consideration of the Plaintiff Russell Toomey ("Plaintiff") and Defendants State of Arizona, Andy Tobin, and Paul Shannon (collectively "State Defendants") Stipulation

1 to reschedule oral argument date on State Defendants' Motion to Dismiss and Objections
2 to the Magistrate Judge's Report and Recommendation, and good cause appearing
3 therefore,
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5 **IT IS HEREBY ORDERED** granting the Stipulation (Dkt. ____) and re-setting
6 the Oral Argument for October 3, 2019 at 2:00 p.m.
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