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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Russell B. Toomey,)	
)	CV 19-0035-TUC-RM (LAB)
Plaintiff,)	
v.)	ORDER
)	
State of Arizona; Arizona Board of Regents,)	
d/b/a University of Arizona, a governmental)	
body of the State of Arizona; et al.,)	
)	
Defendants.)	

Pending before the court is the plaintiff’s motion for class certification filed on April 5, 2019. (Doc. 28)

On April 23, 2019, the court granted the parties’ joint motion to stay briefing of the motion for certification until after the court resolved the defendants’ previously filed motion to dismiss. (Doc. 38) The motion to dismiss has been resolved. (Doc. 69) On January 31, 2020, the parties filed a joint memorandum regarding the outstanding motion for certification. (Doc. 80) The plaintiff notifies the court that he intends to file a superseding motion for class certification. *Id.* The State Defendants, State of Arizona, Andy Tobin, and Paul Shannon, notify the court that they believe discovery is necessary before they can properly respond to the motion. *Id.* The court finds that the issue of discovery cannot be properly considered until the superseding motion is filed.

IT IS ORDERED that the plaintiff shall file, by March 6, 2020, (1) a notice to the Clerk withdrawing his pending motion for class certification (Doc. 28) and (2) a superseding motion

1 for class certification. The superseding motion shall stand alone and shall not reference or
2 incorporate any argument, exhibit, or attachment from the original motion.

3 Within 30 days of service of the superseding motion, the defendants shall file a response.
4 If they wish, they may incorporate into that response an argument that the court should deny the
5 motion or, in the alternative, stay briefing and order discovery. Within 15 days of service of the
6 response, the plaintiff may file a reply.

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DATED this 5th day of February, 2020.

Leslie A. Bowman

Leslie A. Bowman
United States Magistrate Judge