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12 pending)

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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF ARIZONA**

16 **Russell B. Toomey,**
17
18 Plaintiff,
19
20 v.

CV 19-CV-0035-TUC-RM (LAB)

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

PLAINTIFF’S NOTICE OF
WITHDRAWAL OF MOTION
FOR CLASS CERTIFICATION
(DOC. 28)

Defendants.

1 **WILLKIE FARR & GALLAGHER LLP**
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8 **Wesley R. Powell***
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10 **(*admitted pro hac vice)**

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1 Pursuant to the Court's Order dated February 20, 2020 (Doc. 82) notice is hereby
2 given that Plaintiff is withdrawing his pending motion for class certification (Doc. 28).
3 Plaintiff is further giving notice a superseding motion for class certification is being filed
4 this date.

5 Dated this 6th day of March, 2020.

6 ACLU FOUNDATION OF ARIZONA

7 By Christine K. Wee
8 Victoria López*
9 Christine K. Wee

10 (*admission under Arizona Rule 38(f) pending)

11 AMERICAN CIVIL LIBERTIES UNION
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13 Joshua A. Block*
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17 Wesley R. Powell*
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19 (*admitted *pro hac vice*)

20 *Attorneys for Plaintiff Russell B. Toomey*

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2020, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all parties.

/s/ Christine K. Wee
Christine K. Wee