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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*

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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

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 DISCLOSURE OF LAY WITNESSES

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 Under Federal Rule of Civil Procedure 26(a)(3) and this Court's November 2, 2020
10 Scheduling Order (Doc. 130), Defendants Arizona Board of Regents, Ron Shoopman, Larry
11 Penley, Ram Krishna, Bill Ridenour, Lyndel Manson, Karrin Taylor Robson, Jay Heiler,
12 and Fred Duval (collectively, "University Defendants") disclose the following lay
13 witnesses. This disclosure is based on information available to University Defendants at
14 this time. University Defendants have not completed their investigation of the facts of this
15 case. They reserve the affirmative defenses set out in their Answer (Doc. 91) to Plaintiff
16 Russell Toomey's First Amended Complaint ("FAC") (Doc. 86). They also reserve the right
17 to supplement this disclosure of lay witnesses as the case and discovery proceed.

18 **Expected Trial Witnesses**

19 At this stage of discovery, University Defendants do not have a sufficient basis upon
20 which to identify all individuals who have relevant information or who may be called as lay
21 witnesses at trial. University Defendants reserve the right to supplement this disclosure as
22 more facts and witnesses are discovered. University Defendants also reserve the right to
23 call any of the witnesses disclosed by Plaintiff Russell Toomey or Defendants State of
24 Arizona, Andy Tobin, and Paul Shannon (collectively, "State Defendants").

25 Subject to their right to supplement or modify this list of expected trial witnesses,
26 University Defendants currently expect that they may call the following witnesses at trial:
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1. Russell Toomey
c/o Plaintiff's Counsel

As Plaintiff, Russell Toomey is expected to testify about the FAC's allegations regarding the "gender reassignment surgery" exclusion in the State of Arizona's self-funded health insurance plan ("the Plan") that is controlled by the Arizona Department of Administration ("ADOA") and the FAC's requested relief.

2. Gilbert Davidson
c/o State Defendants' Counsel

On information and belief, Gilbert Davidson is a former Interim Director of ADOA. He is expected to testify about the FAC's allegations regarding the "gender reassignment surgery" exclusion in the Plan that is controlled by ADOA and the FAC's requested relief.

3. Elizabeth Thorson
c/o State Defendants' Counsel

On information and belief, Elizabeth Thorson is a former Interim Director of ADOA. She is expected to testify about the FAC's allegations regarding the "gender reassignment surgery" exclusion in the Plan that is controlled by ADOA and the FAC's requested relief.

4. Andy Tobin
c/o State Defendants' Counsel

On information and belief, Andy Tobin is the Director of ADOA. He is expected to testify about the FAC's allegations regarding the "gender reassignment surgery" exclusion in the Plan that is controlled by ADOA and the FAC's requested relief.

5. Paul Shannon
c/o State Defendants' Counsel

On information and belief, Paul Shannon is the Acting Assistant Director of the Benefit Services Division for ADOA. He is expected to testify about the FAC's allegations regarding the "gender reassignment surgery" exclusion in the Plan that is controlled by ADOA and the FAC's requested relief.

1 **6. Marie Isaacson**
2 c/o State Defendants' Counsel

3 On information and belief, Marie Isaacson is a former employee of ADOA. She is
4 expected to testify about the FAC's allegations regarding the "gender reassignment surgery"
5 exclusion in the Plan that is controlled by ADOA and the FAC's requested relief.

6 **7. Helena Rodrigues**
7 c/o Perkins Coie LLP
8 2901 North Central Avenue, Suite 2000
9 Phoenix, Arizona 85012-2788

10 Helena Rodrigues is the Vice President and Chief Human Resources Officer at the
11 University of Arizona. She is expected to testify about the University of Arizona's Human
12 Resources' ("HR") communications with University of Arizona employees and others
13 about the Plan, including ADOA representatives.

14 **8. Mary Beth Tucker**
15 c/o Perkins Coie LLP
16 2901 North Central Avenue, Suite 2000
17 Phoenix, Arizona 85012-2788

18 Mary Beth Tucker is the Assistant Vice President for HR at the University of
19 Arizona. She was the Director of the University of Arizona's Office of Institutional Equity
20 ("OIE") as well as the University of Arizona's Title IX Coordinator. She is expected to
21 testify about OIE's administrative review of the Plan under the University of Arizona's
22 Nondiscrimination and Anti-Harassment Policy and the University of Arizona HR's and
23 OIE's communications with University of Arizona employees.

24 **9. Andrew Comrie**
25 c/o Perkins Coie LLP
26 2901 North Central Avenue, Suite 2000
27 Phoenix, Arizona 85012-2788

28 Andrew Comrie is a Professor in the School of Geography and Development at the
University of Arizona. From July 3, 2012 through July 1, 2018, he was the University of
Arizona's Senior Vice President of Faculty Affairs and Provost. He is expected to testify
about his communications with constituent groups affected by the Plan.

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10. Sabrina Vazquez
c/o Perkins Coie LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

Sabrina Vazquez is the Assistant Vice President over City of Phoenix and State Relations in the Office of Government and Community Relations at the University of Arizona. She is expected to testify about the Arizona Board of Regents' efforts to withdraw Arizona's public universities from the Plan.

11. Kody Kelleher
c/o Perkins Coie LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

Kody Kelleher is currently the Senior Advisor for Government and Community Relations at the University of Arizona. He is the past Director of Government Affairs and an Assistant Vice President of Government Affairs for the Arizona Board of Regents, where he was employed from November 2014 to late 2017. He is expected to testify about the Arizona Board of Regents' efforts to withdraw Arizona's public universities from the Plan.

12. Judith Cato
c/o Perkins Coie LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788

Judith Cato is the Benefits Director at Arizona State University. She is expected to testify about the health care benefits that are offered to Arizona State University employees and Arizona State University's communications with its employees regarding the Plan.

1 Dated: December 21, 2020

PERKINS COIE LLP

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3 By: *s/ Paul F. Eckstein*

4 Paul F. Eckstein

5 Austin C. Yost

6 2901 North Central Avenue, Suite 2000

7 Phoenix, Arizona 85012-2788

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

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Certificate of Service

I certify that, on December 21, 2020, 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 December 21, 2020 to:

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s/ Susan M. Carnall