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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Russell B. Toomey,
Plaintiff,

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

v.

**State of Arizona; Arizona Board of Regents,
D/B/A University of Arizona,** a governmental
body of the State of Arizona; et al.,

**JOINT MOTION FOR EXTENSION
OF SCHEDULING ORDER DATES
(SECOND REQUEST)**

Defendants.

The parties respectfully move the Court to extend the Scheduling Order dates (Doc. 156) by 44 days. In support of this motion, the parties state as follows:

1. This Court’s Scheduling Order dated January 11, 2020, provides that all discovery, including answers to interrogatories, supplements to interrogatories, and the filing of discovery motions shall be completed by June 2, 2021. (Doc. 156).
2. On February 3, 2021, and April 28, 2020 (the “April 28 Letter”), Plaintiff sent the State Defendants letters disputing privileges asserted by State Defendants.
3. On March 18, 2021, the Plaintiff filed a Motion to Compel Production of Documents by State Defendants (“Plaintiff’s Motion to Compel”) concerning documents withheld under the deliberate process privilege. On April 20, 2021, this Court granted Plaintiff’s Motion to Compel and ordered State Defendants to produce documents “withheld

1 [solely] on the basis of Deliberative Process Privilege and listed on their most recent
2 privilege log.” (Doc. 187, p. 8). To comply with the Court order, State Defendants made an
3 additional production of documents on May 10, 2021.

4 4. The April 28 Letter also raised issues regarding certain documents the State
5 Defendants have withheld based on attorney-client privilege. Plaintiff and State Defendants
6 continue to meet and confer on this issue, but Plaintiff anticipates that further motion
7 practice may be required to resolve this dispute.

8 5. Additionally, on February 17, 2021, Plaintiff served a Subpoena to Produce
9 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to
10 The Office of Governor Douglas A. Ducey (the “Governor’s Office”). On March 10, 2021,
11 the Governor’s Office served Plaintiff with its first production of documents and responses
12 and objections to Plaintiff’s subpoena. Plaintiff and the Governor’s Office have begun to
13 meet and confer with respect to certain deficiencies in the Governor’s Office’s productions
14 and objections to the Subpoena, but the Governor’s Office has yet to make an additional
15 production of documents, and disputes remain that may require motion practice.

16 6. The State Defendants and the Governor’s Office intend to produce additional
17 documents.

18 7. Finally, Plaintiff and/or the State Defendants have issued subpoenas duces
19 tecum to six third-parties, and several of those third-parties’ productions are not complete.
20 The Parties expect that these third parties may produce complete their required productions
21 over the course of May and June 2021.

22 8. In light of the foregoing, the parties respectfully request that the dates in the
23 Scheduling Order (Doc. 156) be extended as follows:

- 24 • All discovery, including answers to interrogatories, supplements to interrogatories and
25 the filing of discovery motions, shall be completed by July 16, 2021;
- 26 • All dispositive motions shall be filed no later than August 28, 2021; a
- 27 • A joint letter to the Court concerning the status of settlement discussions (containing
28 no specific settlement terms or offers) shall be submitted by July 16, 2021 and every two

1 months thereafter; and

- 2 • A joint proposed pretrial order shall be lodged by September 24, 2021, or 30 days after
3 resolution of dispositive motions (if any).

4
5 Respectfully submitted this 11th day of May, 2021.

6
7 FENNEMORE CRAIG

8 /s/ Ryan Curtis (with permission)

9 Timothy J. Berg

10 Amy Abdo

11 Ryan Curtis

12 Shannon Cohan

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14 *Arizona,*

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16 PERKINS COIE LLP

17 /s/ Austin Yost (with permission)

18 Paul F. Eckstein

19 Austin C. Yost

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20 *Attorneys for Defendants Arizona Board*
21 *of Regents, d/b/a University of Arizona;*

22 *Ron Shoopman; Larry Penley; Ram*

23 *Krishna; Bill Ridenour; Lyndel Manson;*

24 *Karrin Taylor Robson; Jay Heiler; and*

Fred Duval

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Attorneys for Plaintiff

Russell B. Toomey

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing. Notice of this filing will be sent by email to all parties by operation of the Court’s electronic filing system.

/s/ Christine K. Wee
Christine K. Wee

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**UNITED STATES DISTRICT COURT
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; et al.,

Defendants.

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

**(PROPOSED)
ORDER**

This matter is before the Court on the Joint Motion to extend the Scheduling Order Dates by 44 days. (Doc. 156),

IT IS HEREBY ORDERED that the Joint Motion (Doc. ____) is GRANTED and the Scheduling Order dates are extended by 44 days as follows:

- All discovery, including answers to interrogatories, supplements to interrogatories and the filing of discovery motions, shall be completed by July 16, 2021;
- All dispositive motions shall be filed no later than August 28, 2021; and
- A joint letter to the Court concerning the status of settlement discussions (containing no specific settlement terms or offers) shall be submitted by July 16, 2021 and every two months thereafter; and
- A joint proposed pretrial order shall be lodged by September 24, 2021, or 30 days after resolution of dispositive motions (if any);

1 . Dated this ____ day of _____, 2021.

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4 Leslie A. Bowman
5 United States Magistrate Judge
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