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

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF ARIZONA

11 **Russell B. Toomey,**

12 Plaintiff,

13 v.

14  
15 **State of Arizona; Arizona Board of**  
16 **Regents, d/b/a University of Arizona,** a  
governmental body of the State of  
17 Arizona; **Ron Shoopman,** in his official  
18 capacity as Chair of the Arizona Board of  
Regents; **Larry Penley,** in his official  
19 capacity as Member of the Arizona Board  
of Regents; **Ram Krishna,** in his official  
20 capacity as Secretary of the Arizona Board  
of Regents; **Bill Ridenour,** in his official  
21 capacity as Treasurer of the Arizona  
Board of Regents; **Lyndel Manson,** in her  
22 official capacity as Member of the  
23 Arizona Board of Regents; **Karrin Taylor**  
24 **Robson,** in her official capacity as  
Member of the Arizona Board of Regents;  
25 **Jay Heiler,** in his official capacity as  
26 Member of the Arizona Board of Regents;  
27 **Fred DuVal,** in his official capacity as  
Member of the Arizona Board of Regents;  
28 **Andy Tobin,** in his official capacity as

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

**UNOPPOSED MOTION TO  
SUBSTITUTE PARTIES**

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

5  
6 Defendants.

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8 Under Federal Rule of Civil Procedure 25(c), Defendants Arizona Board of Regents,  
9 Ron Shoopman, Larry Penley, Ram Krishna, Bill Ridenour, Lyndel Manson, Karrin Taylor  
10 Robson, Jay Heiler, and Fred DuVal (collectively, “the University Defendants”) respectfully request that this Court substitute as defendants in this case **former** members of  
11 the Arizona Board of Regents with **current** members of the Arizona Board of Regents.

12 Rule 25(c) provides that, when “an interest is transferred,” the Court may “order[]  
13 the transferee to be substituted in the action” for the original party. “Rule 25(c) is purely  
14 procedural and does not confer any substantive rights.” *Enter. Bank & Tr. v. Vintage Ranch*  
15 *Inv., LLC*, No. CV-11-1797-PHX-LOA, 2013 WL 3216148, at \*1 (D. Ariz. June 25, 2013).  
16 It is designed merely to “allow the action to continue unabated when an interest in the  
17 lawsuit changes hands.” *In re Bernal*, 207 F.3d 595, 598 (9th Cir. 2000) (citation omitted).

18 Here, an interest has been transferred because three members of the Arizona Board  
19 of Regents named as defendants were replaced since this suit was filed. In particular,  
20 Defendants Ram Krishna, Karrin Taylor Robson, and Jay Heiler are no longer members of  
21 the Arizona Board of Regents. *See, e.g.*, Board Members, Ariz. Bd. of Regents,  
22 <https://www.azregents.edu/board/board-members> (last visited Dec. 2, 2021). The current  
23 members of the Arizona Board of Regents include, in addition to the other University  
24 Defendants, Cecilia Mata, Robert Herbold, and Jessica Pacheco. *See, e.g., id.*

25 Because Plaintiff can obtain effective relief against only current members of the  
26 Arizona Board of Regents, the University Defendants move under Federal Rule of Civil  
27 Procedure 25(c) for an order substituting Defendants Ram Krishna, Karrin Taylor Robson,  
28

1 and Jay Heiler with Cecilia Mata, Robert Herbold, and Jessica Pacheco and amending the  
2 case caption to reflect that substitution of parties. No party opposes this motion.  
3

4  
5 Dated: December 2, 2021

**PERKINS COIE LLP**

6 By: /s/ Paul F. Eckstein

7 Paul F. Eckstein

8 Austin C. Yost

9 2901 North Central Avenue, Suite 2000

Phoenix, Arizona 85012-2788

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

1 **Certificate of Service**

2 I certify that, on December 2, 2021, I electronically transmitted the foregoing  
3 document to the Clerk's Office using the CM/ECF System for filing and transmittal of  
4 a Notice of Electronic Filing to the following CM/ECF registrants.

5 A copy was also e-mailed this December 2, 2021 to:

<p>6 Wesley R. Powell 7 Matthew S. Friemuth 8 Nicholas Reddick 9 Kristen Killian 10 <b>Willkie Farr &amp; Gallagher LLP</b> 11 787 Seventh Avenue 12 New York, NY 10019 13 wpowell@willkie.com 14 mfriemuth@willkie.com 15 nreddick@willkie.com 16 kkillian@willkie.com</p>	<p>Timothy J. Berg Amy Abdo Ryan Curtis Shannon Cohan <b>Fennemore Craig, P.C.</b> 2394 East Camelback Road, Suite 600 Phoenix, AZ 85016 tberg@fclaw.com amy@fclaw.com rcurtis@fclaw.com scohan@fclaw.com</p> <p><i>Attorneys for Defendants State of Arizona, Andy Tobin, and Paul Shannon</i></p>
<p>15 Joshua A. Block 16 Leslie Cooper 17 <b>American Civil Liberties Union</b> 18 <b>Foundation</b> 19 125 Broad Street, Floor 18 20 New York, NY 10004 21 jblock@aclu.org 22 lcooper@aclu.org</p>	
<p>21 Christine K. Wee 22 Victoria Lopez 23 <b>ACLU Foundation of Arizona</b> 24 3707 North 7th Street, Suite 235 25 Phoenix, AZ 85014 26 cwee@acluaz.org 27 vlopez@acluaz.org</p> <p><i>Attorneys for Plaintiff Russell Toomey</i></p>	

28 s/ Susan M. Carnall

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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; **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  
UNOPPOSED MOTION TO  
SUBSTITUTE PARTIES**

