

1 Daniel C. Barr (#010149)
 Janet M. Howe (#034615)
 2 **PERKINS COIE LLP**
 2901 North Central Avenue, Suite 2000
 3 Phoenix, Arizona 85012-2788
 Telephone: 602.351.8000
 4 Facsimile: 602.648.7000
 DBarr@perkinscoie.com
 5 JHowe@perkinscoie.com
 6 DocketPHX@perkinscoie.com

7 Brent P. Ray (*admitted pro hac vice*)
 Andrew J. Chinsky (*admitted pro hac vice*)
 8 **KING & SPALDING LLP**
 110 North Wacker Drive, Suite 3800
 9 Chicago, Illinois 60606
 Telephone: 312 995 6333
 10 Facsimile: 312 995 6330
 bray@kslaw.com
 11 achinsky@kslaw.com

12 *Counsel for Plaintiffs and the Class*
 13 (Additional Counsel on Signature Page)

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

16 D.H., by and through his mother, Janice
 17 Hennessy-Waller; and John Doe, by his
 18 guardian and next friend, Susan Doe, on
 behalf of themselves and all others
 similarly situated,

19 Plaintiffs,

20 v.

21 Jami Snyder, Director of the Arizona
 22 Health Care Cost Containment System, in
 her official capacity,

23 Defendant.

No. 4:20-cv-335-TUC-SHR

**PLAINTIFF D.H.'S UNOPPOSED
 MOTION FOR VOLUNTARY
 DISMISSAL WITHOUT PREJUDICE**

(Assigned to the Honorable Scott H. Rash)

24
 25
 26
 27
 28

1 Plaintiff D.H., and through his undersigned counsel and pursuant to Rule 41(a)(2) of
2 the Federal Rules of Civil Procedure, hereby moves this Court for an Order dismissing his
3 claims without prejudice. In furtherance of this Motion, Plaintiff D.H. states as follows:
4

5 1. Plaintiff D.H. continues to experience extreme distress due to his gender
6 dysphoria. Due to Plaintiff D.H.'s deteriorating condition, his urgent need for surgery, and
7 Defendant's repeated refusal to provide coverage for male chest reconstruction surgery,
8 Plaintiff D.H. has no choice but to independently seek male chest reconstruction surgery
9 outside of AHCCCS as soon as possible.
10

11 2. In light of the foregoing, therefore, Plaintiff D.H. regretfully wishes to dismiss
12 his claims without prejudice.

13 3. Plaintiff John Doe shall continue to pursue his claims in this matter.

14 4. Plaintiffs' counsel has conferred with Defendant's counsel, and Defendant
15 does not oppose this relief requested.
16

17 **WHEREFORE**, Plaintiff D.H. respectfully requests that the Court enter an Order
18 dismissing his claims without prejudice.
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: September 29, 2021

PERKINS COIE LLP

By: /s/ Janet M. Howe

Daniel C. Barr (#010149)
Janet M. Howe (#034615)
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
DBarr@perkinscoie.com
JHowe@perkinscoie.com

Brent P. Ray (*admitted pro hac vice*)
Andrew J. Chinsky (*admitted pro hac vice*)
KING & SPALDING LLP
110 N. Wacker Drive, Suite 3800
Chicago, Illinois 60606
Telephone: 312 995 6333
Facsimile: 312 995 6330
bray@kslaw.com
achinsky@kslaw.com

Asaf Orr (*admitted pro hac vice*)
**NATIONAL CENTER FOR LESBIAN
RIGHTS**
870 Market Street, Suite 370
San Francisco, CA 94102
Telephone: 415 392 6257
Facsimile: 415 392 8442
aorr@nclrights.org

Abigail K. Coursolle (*admitted pro hac vice*)
Catherine McKee (*admitted pro hac vice*)
NATIONAL HEALTH LAW PROGRAM
3701 Wilshire Boulevard, Suite 750
Los Angeles, CA 90010
Telephone: 310 204 6010
coursolle@healthlaw.org
mckee@healthlaw.org

Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2021, I electronically transmitted the attached documents 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:

Logan T. Johnston
JOHNSTON LAW OFFICES, P.L.C.
14040 N. Cave Creek Rd., Suite 309
Phoenix, Arizona 85022
ltjohnston@live.com

David Barton
C. Christine Burns
BURNSBARTON PLC
2201 E. Camelback Road, Suite 360
Phoenix, AZ 85016
david@burnsbarton.com
christine@burnsbarton.com

Attorneys for Defendant

I hereby certify that on September 29, 2021, I served the attached document by email and first class mail on:

The Honorable Scott H. Rash
United States District Court of Arizona, Tucson
405 West Congress Street, Suite 1500
Tucson, Arizona 8585701

s/ Susan M. Carnall

154084477.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

D.H., by and through his mother, Janice
Hennessy-Waller; and John Doe, by his
guardian and next friend, Susan Doe, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

Jami Snyder, Director of the Arizona
Health Care Cost Containment System, in
her official capacity,

Defendant.

No. 4:20-cv-335-TUC-SHR

**[PROPOSED] ORDER GRANTING
PLAINTIFF D.H.'S UNOPPOSED
MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE**

(Assigned to the Honorable Scott H. Rash)

Having considered Plaintiff D.H.'s Unopposed Motion for Voluntary Dismissal
Without Prejudice, and good cause appearing, the Court hereby **GRANTS** the Motion, and
Plaintiff D.H.'s claims are hereby dismissed without prejudice.

IT IS SO ORDERED