

1 **Christine K Wee – 028535**  
2 **ACLU FOUNDATION OF ARIZONA**  
3 3707 North 7th Street, Suite 235  
4 Phoenix, Arizona 85014  
5 Telephone: (602) 650-1854  
6 Email: cwee@acluaz.org

7 **Joshua A. Block\***  
8 **Leslie Cooper\***  
9 **AMERICAN CIVIL LIBERTIES UNION FOUNDATION**  
10 125 Broad Street, Floor 18  
11 New York, New York 10004  
12 Telephone: (212) 549-2650  
13 E-Mail: jblock@aclu.org  
14 E-Mail: lcooper@aclu.org  
15 \*Admitted pro hac vice

16 **Wesley R. Powell\***  
17 **Matthew S. Freimuth\***  
18 **Jordan C. Wall\***  
19 **Victoria A. Sheets\***  
20 **Justin Garbacz\***  
21 **WILLKIE FARR & GALLAGHER LLP**  
22 787 Seventh Avenue  
23 New York, New York 10019  
24 Telephone: (212) 728-8000  
25 E-Mail: wpowell@willkie.com  
26 E-Mail: mfreimuth@willkie.com  
27 E-Mail: jwall@willkie.com  
28 E-Mail: vsheets@willkie.com  
E-Mail: jgarbacz@willkie.com  
\*Admitted pro hac vice

*Attorneys for Plaintiff Russell B. Toomey*

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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.,  
Defendants.

**JOINT MOTION FOR EXTENSION  
OF THE TEMPORARY  
SUSPENSION OF SCHEDULING  
ORDER DATES**

The parties respectfully move the Court to extend the temporary suspension of the current Amended Scheduling Order dates. In support of this motion, the parties state as follows:

1. Per this Court’s August 10, 2021 order extending the scheduling order dates (Doc. 234) (the “Amended Scheduling Order”), and this Court’s November 3, 2021 Order for Temporary Suspension of Scheduling Order Dates (Doc. 253) (the “November 3, 2021 Order”), all deadlines contemplated by the Court’s Amended Scheduling Order are currently suspended.

2. The Court’s November 3, 2021 Order instructed that “[w]ithin 30 days of a ruling from the Ninth Circuit Court of Appeals on the State Defendants’ Writ of Mandamus regarding the District Court Order to Produce, the parties will confer to devise a mutually agreeable briefing schedule for dispositive motions that will consider the Ninth Circuit’s

1 ruling,” and ordered the parties to submit a joint motion to amend the scheduling order  
2 within a week of conferring. (Doc. 253)

3 3. On April 14, 2022, the Ninth Circuit denied State Defendants’ Writ of  
4 Mandamus (Doc. 260) On April 21, 2022, State Defendants filed a Motion for  
5 Reconsideration of the District Court Order to Produce (Doc. 261) (“State Defendants’  
6 Motion for Reconsideration”). On April 26, 2022, the Court invited Plaintiff Dr. Toomey  
7 to respond to the State Defendants’ Motion for Reconsideration by May 10, 2022, and State  
8 Defendants to reply a week later. (Doc. 262) At the time of this joint motion, the State  
9 Defendants’ Motion for Reconsideration is still pending before this Court.

10 4. In light of the aforementioned pending motion, the parties believe it would be  
11 more efficient to await a ruling on the State Defendants’ Motion for Reconsideration before  
12 devising a briefing schedule for dispositive motions. To that end, the parties believe that a  
13 further extension of the suspension of the Amended Scheduling Order dates is appropriate.

14 5. As such, the parties respectfully request that this Court issue an order directing  
15 the following:

- 16 • The temporary suspension of the Court’s Amended Scheduling Order (Doc.  
17 253) is hereby extended.
- 18 • Except for bi-monthly joint letters to the Court regarding settlement  
19 discussions, all deadlines contemplated by the Court’s Amended Scheduling  
20 Order (Doc. 234) remain suspended.
- 21 • Within 30 days of a ruling on the State Defendants’ Motion for Reconsideration  
22 regarding the District Court Order to Produce, the parties will confer in good  
23 faith in an effort to devise a mutually agreeable briefing schedule for dispositive  
24 motions. Within seven days of conferring, the parties will file a joint motion  
25 to amend the scheduling order.

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27 Respectfully submitted this 17th day of May, 2022.

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**FENNEMORE CRAIG**

2394 E Camelback Rd., Ste. 600  
Phoenix, AZ 85016-3429

*/s/ Ryan Curtis (with permission)*

Timothy J. Berg

Amy Abdo

Ryan Curtis

Shannon Cohan

tberg@fclaw.cm

amy@fclaw.com

rcurtis@fclaw.com

scohan@fclaw.com

*Attorneys for Defendants State of  
Arizona, Andy Tobin, and Paul Shannon*

**PERKINS COIE LLP**

2901 N. Central Ave., Suite 2000  
Phoenix, Arizona 85012-2788

*/s/ Paul F. Eckstein (with permission)*

Paul F. Eckstein

Austin C. Yost

PEckstein@perkinscoie.com

AYost@perkinscoie.com

*Attorneys for Defendants Arizona Board  
of Regents, d/b/a University of Arizona;  
Ron Shoopman; Larry Penley; Ram  
Krishna; Bill Ridenour; Lyndel  
Manson; Karrin Taylor Robson; Jay  
Heiler; and Fred Duval*

**ACLU FOUNDATION OF ARIZONA**

3707 North 7th Street, Suite 235  
Phoenix, Arizona 85014

*By /s/ Christine K. Wee*

Christine K. Wee

cwee@acluaz.org

**WILLKIE FARR & GALLAGHER LLP**

787 Seventh Avenue  
New York, New York 10019

Wesley R. Powell\*

Matthew S. Freimuth\*

Jordan C. Wall\*

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Justin Garbacz\*

wpowell@willkie.com

mfreimuth@willkie.com

jwall@willkie.com

vsheets@willkie.com

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*Attorneys for Plaintiff Russell B. Toomey*

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2022, 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,

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

v.

**[PROPOSED] ORDER**

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

Defendants.

This matter before the Court on the Joint Motion for Extension of the Temporary Suspension of Scheduling Order Dates (Doc. \_\_\_\_),

IT IS HEREBY ORDERED that the Joint Motion is GRANTED and the Court directs the following:

- The suspension of the Court’s Amended Scheduling Order (Doc. 253) is hereby extended.
- Except for bi-monthly joint letters to the Court regarding settlement discussions, all deadlines contemplated by the Court’s Amended Scheduling Order (Doc. 234) remain suspended.
- Within 30 days of a ruling on the State Defendants’ Motion for Reconsideration

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regarding the District Court Order to Produce, the parties will confer in good faith in an effort to devise a mutually agreeable briefing schedule for dispositive motions. Within seven days of conferring, the parties will file a joint motion to amend the scheduling order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Leslie A. Bowman  
United States Magistrate Judge