

1  
2 **IN THE UNITED STATES DISTRICT COURT**  
3 **FOR THE DISTRICT OF ARIZONA**  
4

5 D.T., et al.,

6 Plaintiffs,

7 v.

8 Cara M. Christ, et al.,

9 Defendants.  
10

No. CV-20-00484-TUC-JAS

**ORDER**

11 Plaintiffs' unopposed request for a status conference is granted. *See* Docs. 73, 75,  
12 76. The Court shall hold a telephonic status conference with the parties on 7/21/21 at 8:45  
13 a.m. The parties shall call 866-390-1828 five minutes prior to the start of the conference.  
14 The access code is 2989170. For further logistical inquiries, the parties may contact the  
15 Court's Courtroom Deputy (Tiffany Dame) via email ([Tiffany\\_Dame@azd.uscourts.gov](mailto:Tiffany_Dame@azd.uscourts.gov))  
16 or phone ((520) 205-4682).

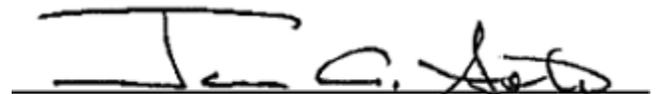
17 To assist the parties in planning and conferring, and to have a more fruitful  
18 discussion with the parties at the status conference, the Court provides this update to the  
19 parties as to the pending motion to dismiss (Doc. 56). The Court is in the process of  
20 drafting a formal opinion as to the motion to dismiss, and the parties will likely receive the  
21 formal opinion within the next 30 to 60 days.<sup>1</sup> The Court has already reviewed the parties'  
22 briefs and the pertinent record and authority, and Defendant's motion to dismiss (Doc. 56)  
23 is denied with the formal opinion to follow.

24 In light of the foregoing, the parties shall confer at least one day before the status  
25 conference to discuss the best way to proceed moving forward. If the parties are unable to  
26

27 <sup>1</sup> The Court notes that these timelines are approximations as the Court has numerous  
28 criminal and civil cases pending before the Court; at any given time, the Court may be  
presiding over a trial, evidentiary hearing, or other fully briefed time-sensitive motions  
such as a motion to stay an execution, motion for a temporary restraining order, or motion  
for a preliminary injunction.

1 reach a stipulation as to Carl Voe (i.e., a transgender boy who is 9 years old), it appears  
2 that Plaintiffs will be filing a motion for a preliminary injunction. If that is the case, the  
3 Court will be setting an evidentiary hearing in the near future where the parties shall be  
4 prepared to present live testimony supporting or refuting the factors necessary for a  
5 preliminary injunction. As previously reflected in this case, the Court is strongly  
6 disinclined to issue a decision based only on a written record (even if stipulated by the  
7 parties). As such, counsel for the parties shall be prepared to offer in-person testimony as  
8 to any witnesses that are offering substantive information. Hearing live testimony under  
9 oath (subject to both direct and cross-examination, and direct questions from this Court)  
10 will allow this Court to more thoroughly assess credibility and any other evidence at issue.<sup>2</sup>  
11 If it is impossible to appear in-person, or good cause otherwise exists to allow some other  
12 form of appearance, the parties shall arrange for a video appearance (if that is not possible,  
13 then a telephonic appearance will be permitted). Any counsel that will be conducting direct  
14 or cross-examination shall appear in-person at the evidentiary hearing. The parties shall  
15 keep these issues in mind as the litigation proceeds towards an evidentiary hearing as to  
16 the looming motion for a preliminary injunction. Counsel for Plaintiffs and Defendants  
17 shall determine the identity of any witnesses who will testify at the evidentiary hearing, the  
18 subject matter of the testimony any witnesses will offer, and approximately how many days  
19 the evidentiary hearing will last. These issues will be discussed at the status conference.

20 Dated this 14th day of July, 2021.

21  
22  
23 

24 Honorable James A. Soto  
25 United States District Judge

26  
27 <sup>2</sup> Credibility of witness testimony often involves issues relating to the opportunity and  
28 ability to see or hear or know the things testified to, the clarity of memories, the manner  
while testifying, any interest in the outcome of the case, any bias or prejudice, whether  
other evidence contradicted the testimony, the reasonableness of the testimony in light of  
all the evidence, and any other factors that impact believability.