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12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 Helen Roe, a minor, by and through her
parent and next friend Megan Roe; James
16 Poe, a minor by and through his parent and
next friend Laura Poe; and Carl Voe, a
17 minor by and through his parent and next
friend Rachel Voe,

18 Plaintiffs,

19 v.

20 Dr. Cara M. Christ, in her official capacity
as State Registrar of Vital Records and
21 Director of the Arizona Department of
22 Health Services,

23 Defendant.

Case No. 4:20-cv-484-JAS

**PLAINTIFFS’ NOTICE REGARDING
POSSIBLE MOTION FOR PRELIMINARY
INJUNCTION**

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1 Plaintiffs Helen Roe, James Poe, and Carl Voe (“Plaintiffs”), by and through their
2 counsel, hereby provide notice to the Court that they do not intend to file a motion for
3 preliminary injunction in advance of the Case Management Conference set by the Court for
4 August 11, 2021. Therefore, the Court need not reserve the dates of August 12 or 13 for an
5 evidentiary hearing, which the Court offered at the status conference on July 21 and in its
6 minute order of the same date. (Dkt. 80.)

7 While Plaintiffs continue to suffer the significant harms and incur the serious risks
8 that are alleged in the amended complaint, each is currently navigating rapidly changing
9 circumstances that appear to have mitigated their specific and urgent needs to obtain
10 amended birth certificates by the start of this coming school year. Plaintiffs will continue
11 to monitor their situations and provide as much advance notice as possible to the Court if
12 there are any further changes that may necessitate a motion for preliminary injunction.

13 Plaintiffs are also aware that the Court has now directed the parties to file a Case
14 Management Order and will thus soon set a case schedule. (Dkt. 79.) Therefore, instead
15 of filing a motion for preliminary injunction at this time, Plaintiffs will propose a schedule
16 that first seeks to expeditiously resolve their forthcoming motion for class certification,
17 which Plaintiffs believe may avoid the necessity and burdens of a motion for preliminary
18 injunction in the future. Plaintiffs will continue to engage with Defendant in an attempt to
19 streamline and narrow the issues before the Court.

20 Respectfully submitted,

21 Dated: July 23, 2021

OSBORN MALEDON, P.A.

22 /s/ Colin M. Proksel
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