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

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

19 Plaintiffs,

20 v.

21 Don Herrington, in his official capacity as  
22 Interim State Registrar of Vital Records and  
23 Interim Director of the Arizona Department  
of Health Services,

24 Defendant.

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

**JOINT SUBMISSION REGARDING  
REMAINING CASE DEADLINES**

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1 Plaintiffs Helen Roe, James Poe, and Carl Voe and Defendant Don Herrington  
2 (collectively “Parties” and each individually a “Party”), by and through their respective  
3 counsel, and pursuant to the Court’s order, (Dkt. 139), hereby submit the following proposal  
4 for the remaining deadlines in the case:

5 1. On August 12, 2021, the Court entered a scheduling order for this litigation.  
6 (Dkt. 87 (“Scheduling Order”).) The Court has since amended the deadlines in the  
7 Scheduling Order, including in the case management order, (Dkt. 100), and pursuant to a  
8 joint stipulation by the parties, (Dkt. 110).

9 2. On July 24, 2022, the Court granted Defendant’s Motion to Continue  
10 Deadlines and ordered *inter alia* that “all deadlines set forth in the Court’s Case  
11 Management Order (Dkt. 100) and the Court’s February 4, 2021 Order granting the parties’  
12 Stipulation by the Parties Regarding Extension of Deadlines in the Court’s Scheduling  
13 Order (Dkt. 110) are continued.” (Dkt. 139 at 1.) The Court also ordered that “[w]ithin 30  
14 days of the Court’s ruling on Defendant’s Motion to Compel, the parties shall meet, confer,  
15 and submit a joint proposed scheduling order outlining their proposed schedules for the  
16 remaining deadlines.” (*Id.* at 2.)

17 3. On August 18, 2022, the Court granted Plaintiffs’ Motion to Compel and  
18 granted in part and denied in part Defendant’s Motion to Compel. (Dkt. 153.) The Court  
19 ordered that “Defendant shall serve supplemental responses to [Plaintiffs’ disputed]  
20 interrogatories and requests for production within 60 days of the filing date of this Order,”  
21 that “[a]ll depositions shall occur within 30 days of the expiration of th[at] discovery  
22 deadline,” and that “Defendant’s response to the motion for class certification is due within  
23 30 days of the conclusion of the last deposition.” (*Id.* ¶ 1.)

24 4. Pursuant to the Court’s July 24 order, the Parties have met and conferred  
25 about a proposed schedule for the remaining deadlines in the case. The Parties continue to  
26 agree that the case is apt for resolution on motions for summary judgment. The Parties also  
27 agree that the deadlines proposed below are suited to providing enough time for the Parties  
28 to file such motions. Plaintiffs believe that the deadlines would make it possible for the

1 Court to issue a final order on such motions sufficiently in advance for Plaintiffs to obtain  
2 amended birth certificates before the start of the 2023–24 school year.

3 For all the foregoing reasons, the Parties respectfully request that the Court issue an  
4 amended Scheduling Order with the following deadlines:

- 5 • Paragraph C (fact discovery): February 24, 2023
- 6 • Paragraph D:
  - 7 ○ Plaintiffs’ expert disclosures and reports: March 6, 2023
  - 8 ○ Defendant’s expert disclosures and reports: April 3, 2023
  - 9 ○ Plaintiffs’ rebuttal expert disclosures and rebuttal reports: April 28, 2023
  - 10 ○ Expert discovery ends: May 19, 2023
- 11 • Paragraph F (dispositive motions): June 19, 2023
- 12 • Paragraph G (joint pretrial order): July 24, 2023<sup>1</sup>

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15 Dated: September 13, 2022

Respectfully submitted,

OSBORN MALEDON, P.A.

s/Colin Proksel

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*The filer, Colin Proksel, attests that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing’s content and has authorized the filing.*

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28 <sup>1</sup> The Parties recognize that this proposed amended date simply replaces the date in Paragraph G of the Scheduling Order and would not otherwise alter the Court’s further order that “[i]f dispositive motions are filed, the proposed Joint Pretrial Order shall be filed thirty (30) days from the filing date of the Court Order issuing a non-dispositive decision on said motion(s).” (Dkt. 87 at 6–7.)

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Dated: September 13, 2022

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