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14 *State of Arizona, Andy Tobin, and Paul Shannon*

15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF ARIZONA

17 Russell B. Toomey,  
18 Plaintiff,  
19 v.  
20 State of Arizona, *et al.*  
21 Defendants.

No. 4:19-cv-00035

**DECLARATION OF RYAN CURTIS  
IN SUPPORT OF DEFENDANTS  
STATE OF ARIZONA’S, ANDY  
TOBIN’S, AND PAUL SHANNON’S  
MOTION FOR SUMMARY  
JUDGMENT**

22 I, Ryan Curtis, submit this declaration under penalty of perjury pursuant to 28 U.S.C.  
23 § 1746 and declare as follows:

24 1. I am a Director at Fennemore Craig, P.C., am licensed to practice law in the  
25 State of Arizona, and am lead counsel for Defendants State of Arizona, Andy Tobin, and  
26 Paul Shannon (collectively, the “State Defendants”).

2. I submit this declaration in support of the State Defendants’ Motion for  
Summary Judgment, filed concurrently.

3. I base this declaration on my personal knowledge and on information obtained  
in the course of the above-captioned matter.

1           4.       Attached as **Exhibit 1** is a true and correct copy of excerpts of Dr. Russell  
2 Toomey's Deposition Transcript, dated May 26, 2021.

3           5.       Attached as **Exhibit 2** is a true and correct copy of excerpts of Loren  
4 Schechter, M.D.'s Deposition Transcript, dated June 15, 2021.

5           6.       Attached as **Exhibit 3** is a true and correct copy of TOOMEY000378-379, a  
6 document produced by Plaintiff in this matter.

7           7.       Attached as **Exhibit 4** is a true and correct copy of a transcribed phone call  
8 between Plaintiff and BlueCrossBlueShield of Arizona. The audio file of this phone call  
9 was produced by Plaintiff in this matter.

10          8.       Attached as **Exhibit 5** is a true and correct copy of Plaintiff's Amended Initial  
11 Discovery Responses, dated March 26, 2020.

12          9.       Attached as **Exhibit 6** is a true and correct copy of AZSTATE.010093, a  
13 document produced by State Defendants in this litigation.

14          10.       Attached as **Exhibit 7** is a true and correct copy of excerpts of Joan C.  
15 Barrett's Deposition Transcript, dated June 24, 2021.

16          11.       Attached as **Exhibit 8** is a true and correct copy of excerpts of Marie  
17 Isaacson's Deposition Transcript, dated March 26, 2021.

18          12.       Attached as **Exhibit 9** is a true and correct copy of excerpts of Paul Shannon's  
19 Deposition Transcript, dated June 25, 2021.

20          13.       Attached as **Exhibit 10** is a true and correct copy of excerpts of Scott Bender's  
21 Deposition Transcript, dated March 31, 2021.

22          14.       Attached as **Exhibit 11** is a true and correct copy of excerpts of Kelly  
23 Sharritts's Deposition Transcript, dated April 22, 2021.

24          15.       Attached as **Exhibit 12** is a true and correct copy of excerpts of Craig Brown's  
25 Deposition Transcript, dated June 22, 2021.

26          16.       Attached as **Exhibit 13** is a true and correct copy of excerpts of Elizabeth

1 Schafer's Deposition Transcript, dated April 28, 2021.

2 17. Attached as **Exhibit 14** is a true and correct copy of excerpts of Yvette  
3 Medina's Deposition Transcript, dated February 18, 2021.

4 18. Attached as **Exhibit 15** is a true and correct copy of AZSTATE.244065, a  
5 document produced by State Defendants in this litigation.

6 19. Attached as **Exhibit 16** is a true and correct copy of AZSTATE.010905, a  
7 document produced by State Defendants in this litigation.

8 20. Attached as **Exhibit 17** is a true and correct copy of AZSTATE.000639, a  
9 document produced by State Defendants in this litigation.

10 21. Attached as **Exhibit 18** is a true and correct copy of AZSTATE.006325, a  
11 document produced by State Defendants in this litigation.

12 22. Attached as **Exhibit 19** is a true and correct copy of AZSTATE.006198, a  
13 document produced by State Defendants in this litigation.

14 23. Attached as **Exhibit 20** is a true and correct copy of AZSTATE.006129, a  
15 document produced by State Defendants in this litigation.

16 24. Attached as **Exhibit 21** is a true and correct copy of AZSTATE.000637, a  
17 document produced by State Defendants in this litigation.

18 25. Attached as **Exhibit 22** is a true and correct copy of AZSTATE.006095, a  
19 document produced by State Defendants in this litigation.

20 26. Attached as **Exhibit 23** is a true and correct copy of ABOR-  
21 TOOMEY003459, a document produced by the ABOR Defendants in this litigation.

22 27. Attached as **Exhibit 24** is a true and correct copy of AZSTATE.151707, a  
23 document produced by State Defendants in this litigation.

24 28. Attached as **Exhibit 25** is a true and correct copy of AZSTATE.004345, a  
25 document produced by State Defendants in this litigation.

26 29. Attached as **Exhibit 26** is a true and correct copy of AZSTATE.005674, a

1 document produced by State Defendants in this litigation.

2 30. Attached as **Exhibit 27** is a true and correct copy of AZSTATE.136334, a  
3 document produced by State Defendants in this litigation.

4 31. Attached as **Exhibit 28** is a true and correct copy of AZSTATE.009210, a  
5 document produced by State Defendants in this litigation.

6 32. Attached as **Exhibit 29** is a true and correct copy of AZSTATE.005677, a  
7 document produced by State Defendants in this litigation.

8 33. Attached as **Exhibit 30** is a true and correct copy of AZSTATE.000385, a  
9 document produced by State Defendants in this litigation.

10 34. Attached as **Exhibit 31** is a true and correct copy of AZSTATE.144146, a  
11 document produced by State Defendants in this litigation.

12 35. Attached as **Exhibit 32** is a true and correct copy of excerpts of Christina  
13 Corieri's Deposition Transcript, dated July 13, 2022.

14 36. Attached as **Exhibit 33** is a true and correct copy of the Fiscal year 2016  
15 Baseline Summary created by the Arizona Senate and Arizona House of Representatives  
16 Joint Legislative Budget Committee, which is publicly accessible at  
17 <https://www.azjlb.gov/16baseline/fy16summary.pdf>.

18 37. Attached as **Exhibit 34** is a true and correct copy of AZSTATE.244113, a  
19 document produced by State Defendants in this litigation.

20 38. Attached as **Exhibit 35** is a true and correct copy of Plaintiff's Supplemental  
21 Responses and Objections to State Defendants' First Set of Interrogatories.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 EXECUTED this 26th day of September, 2022.

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By:   
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Ryan Curtis