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

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA

11 Russell B. Toomey,
12 Plaintiff,

13 v.

14 State of Arizona, *et al.*
15 Defendants.

No. CV-19-00035-TUC-RM (LAB)

**JOINT MOTION TO RESCHEDULE
ORAL ARGUMENT**

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18 The Parties respectfully move the Court to reschedule the oral argument currently
19 scheduled for 2:00 p.m. on Wednesday, January 11, 2022, regarding State of Arizona’s,
20 Andy Tobin’s, and Paul Shannon’s (collectively, “State Defendants”) Motion for Summary
21 Judgment (Doc. 293), as well as permit oral argument on Dr. Toomey’s (on behalf of
22 himself and the certified classes, “Plaintiff”) Motion for Summary Judgment (Doc. 298) on
23 such rescheduled date.

24 Counsel for State Defendants will be traveling out of the country on January 11,
25 2022, and unavailable to participate in a hearing that day. Plaintiff’s counsel will be
26 preparing for and involved in a trial in the latter part of January 2023 through mid-February.

1 Counsel for State Defendants approached counsel for the other parties regarding
2 rescheduling the oral argument on Friday, November 18, 2022, and counsel all agreed to
3 request that the oral argument be rescheduled. Plaintiff's counsel also approached counsel
4 for the other parties regarding oral argument on Plaintiff's Motion for Summary Judgment,
5 and counsel all agreed to request that oral argument be permitted on the same rescheduled
6 date.

7 Therefore, the parties jointly request that oral argument on State Defendants' Motion
8 for Summary Judgment and Plaintiff's Motion for Summary Judgment be rescheduled for
9 a hearing in-person on January 5 or 6, 2023. In the alternative, the parties request that oral
10 argument be rescheduled for a telephonic hearing on January 17, 18, 19, or 20, 2023, prior
11 to 12:00 p.m. Mountain Standard Time.

12 DATED this _23rd day of November, 2022.

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Russell B. Toomey,
Plaintiff,

v.

State of Arizona, *et al.*
Defendants.

No. CV-19-00035-TUC-RM (LAB)
[PROPOSED] ORDER

This matter coming before the Court on the Joint Motion to Reschedule Oral Argument on State Defendants’ Motion for Summary Judgment, as well as on Plaintiff’s Motion for Summary Judgment,

IT IS HEREBY ORDERED that the oral argument currently scheduled for 2:00 p.m. on January 11, 2023, is rescheduled to _____ a.m./p.m., on _____, 2022, in Courtroom ____, 405 West Congress Street, Tucson, AZ 85701 before Magistrate Judge Leslie A. Bowman.

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