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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 POSTPONE  
ORAL ARGUMENT**

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18 The Parties respectfully move the Court to postpone the oral argument currently  
19 scheduled for 10:00 a.m. on Monday, January 9, 2023, regarding State of Arizona’s, Andy  
20 Tobin’s, and Paul Shannon’s (collectively, “State Defendants”) Motion for Summary  
21 Judgment (Doc. 293) and Plaintiff Russell B. Toomey’s Motion for Summary Judgment  
22 (Doc. 298). Counsel for the Parties have begun discussions regarding a potential settlement  
23 of this dispute. Postponing oral argument on the motions will permit the parties time to  
24 further any settlement discussions. Postponing oral argument will also permit newly-  
25 inaugurated Governor Katie Hobbs and her administration time to familiarize themselves  
26 with the case and the issues raised by Plaintiff’s claims. The Parties agree that postponing

1 oral argument will promote judicial efficiency and prevent the unnecessary expenditure of  
2 the parties' and the Court's resources. As such, the Parties jointly request that the Court  
3 postpone oral argument on State Defendants' Motion for Summary Judgment and Plaintiff's  
4 Motion for Summary Judgment. The Parties will submit a Joint Status Report regarding  
5 the status of their settlement discussions and whether oral argument on the motions is  
6 necessary on or before March 6, 2023.

7 DATED this 4th day of January, 2023.

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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 Postpone 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 10:00 a.m. on January 9, 2023, is postponed.

IT IS FURTHER ORDERED that the parties submit a Joint Status Report regarding the status of their settlement discussions and whether oral argument on the motions is necessary on or before March 6, 2023.

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