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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Helen Doe, et al.,

10 Plaintiffs,

11 v.

12 Thomas C Horne, et al.,

13 Defendants.
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No. CV-23-00185-TUC-JGZ

ORDER

15 Pending before the Court is Plaintiffs' Objection to Defendant Horne's and
16 Permissive Intervenors' New Expert Declarations and Motion for Leave to File
17 Supplemental Exhibits and Amended Proposed Findings of Fact and Conclusions of Law.
18 (Doc. 96.) In their Motion, Plaintiffs state that Defendant Horne filed new expert
19 declarations and Permissive Intervenors filed rebuttal and supplemental expert declarations
20 that contain new materials. Plaintiffs request an opportunity to respond to the new
21 materials. Defendant Horne and Intervenors oppose Plaintiffs' request on the grounds that
22 the additional submissions would contravene the Court's Scheduling Order setting June
23 29, 2023, as the deadline for submissions and would be prejudicial. (Docs. 99, 100.)
24 Defendant and Intervenors note that they informed the Court at the hearing that they would
25 be filing declarations not already present in the record. Defendants and Intervenors state
26 that these new and supplemental declarations present overwhelming scientific, statistical
27 and observational evidence pertinent to the issues raised in this lawsuit.

28 The Court agrees, as stated by the Intervenors, that the purpose of the new and

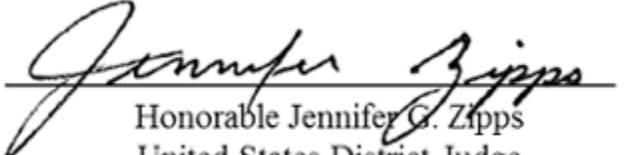
1 additional evidence would be to make the points that the experts would have made during
2 live testimony, if live testimony were to occur. For this same reason, the Plaintiffs must
3 be provided an opportunity to respond to the new and additional evidence—as they would
4 be permitted to do if live testimony were to occur. Plaintiffs have represented that they
5 can provide their response to the newly submitted evidence and amended proposed findings
6 of fact and conclusions of law prior to the hearing on July 10. Therefore, no delay will be
7 caused by their submission. In addition, to prevent prejudice, the Court will provide
8 Defendant Horne and Intervenors an opportunity to file amended proposed findings of fact
9 and conclusions of law.

10 Accordingly,

11 **IT IS ORDERED** that Plaintiffs’ Motion for Leave to File Supplemental Exhibits
12 and Amended Proposed Findings of Fact and Conclusions of Law (Doc. 96) is
13 **GRANTED**. Plaintiffs must submit their response to the newly submitted evidence and
14 their amended proposed findings of fact and conclusions of law on or before July 7, 2023.

15 **IT IS FURTHER ORDERED** Defendant Horne and Permissive Intervenors may
16 file an amended proposed findings of fact and conclusions of law on or before
17 July 11, 2023.

18 Dated this 5th day of July, 2023.

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22 Honorable Jennifer G. Zipp
23 United States District Judge
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