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Attorneys for Defendant Thomas C. Horne

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

**Jane Doe, by her next friends and parents
Helen Doe and James Doe; and Megan Roe,
by her next friends and parents, Kate Roe
and Robert Roe,**

Plaintiffs,

v.

**Thomas C. Horne, in his official capacity as
State Superintendent of Public Instruction;
Laura Toenjes, in her official capacity as
Superintendent of the Kyrene School
District; Kyrene school District; the Gregory
School; and Arizona Interscholastic
Association, Inc.,**

Defendants.

Case No. 4:23-cv-00185-JGZ

**STIPULATED MOTION FOR
EXTENSION AND BRIEFING
SCHEDULE ON PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION
AND ANSWERS/RESPONSES TO
COMPLAINT**

Defendants Thomas C. Horne in his official capacity as State Superintendent of Public Instructions (“Superintendent Horne” or “Defendant”) and Plaintiffs Jane Doe and Megan Roe (“Plaintiffs”) respectfully request and stipulate to an extension to the deadline for Superintendent Horne to respond to Plaintiffs’ Motion for a Preliminary Injunction and to the following schedule

1 for the briefing of the Preliminary Injunction Motion and for Superintendent Horne's response to
2 Plaintiffs' Complaint:

- 3 • May 18, 2023: Defendant's response to Preliminary Injunction Motion;
- 4 • May 18, 2023: Defendant's response to Complaint (answer or motion);
- 5 • June 1, 2023: Plaintiffs' reply in support of Preliminary Injunction Motion;
- 6 • June 1, 2023: Plaintiffs' response to any motion filed by Defendant on May 18;
- 7 • June 1, 2023: Plaintiffs' response to any motion filed by Defendant on May 18;
- 8 • June 8, 2023: Defendant's replies to any oppositions filed on June 1, 2023.

9 Good cause exists for the stipulated extension and schedule because undersigned counsel
10 for Superintendent Horne was only retained and only became aware of the Motion for Preliminary
11 Injunction for the first time on Friday, April 28, 2023, after the Attorney General informed
12 Superintendent Horne her office would not represent him in the lawsuit (on April 21, 2023). This
13 request is not made for purposes of causing undue delay, and no party will be prejudiced. A
14 proposed Order is attached hereto for the Court's convenience.

15 **RESPECTFULLY SUBMITTED** on May 2, 2023.

16 **WILENCHIK & BARTNESS, P.C.**

17 /s/ Dennis Wilenchik
18 Dennis I. Wilenchik, Esq.
19 Karl Worthington, Esq.
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24 *Attorneys for Defendant Thomas C. Horne*

25 **OSBORN MALEDON, P.A.**

26 /s/ Colin Proksel (by permission)
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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrant:

By: /s/ Alice Nossett

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 **Jane Doe, by her next friends and parents**
9 **Helen Doe and James Doe; and Megan Roe,**
10 **by her next friends and parents, Kate Roe**
11 **and Robert Roe,**

12 **Plaintiffs,**

13 **v.**

14 **Thomas C. Horne, in his official capacity as**
15 **State Superintendent of Public Instruction;**
16 **Laura Toenjes, in her official capacity as**
17 **Superintendent of the Kyrene School**
18 **District; Kyrene school District; the Gregory**
19 **School; and Arizona Interscholastic**
20 **Association, Inc.,**

21 **Defendants.**

Case No. 4:23-cv-00185-JGZ

ORDER GRANTING STIPULATED
MOTION FOR EXTENSION AND
BRIEFING SCHEDULE ON
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION AND
ANSWER/RESPONSE TO COMPLAINT

22 For good cause shown, the Stipulated Motion for Extension and Briefing Schedule on
23 Plaintiffs' Motion for Preliminary Injunction and Answers/Responses to Complaint is
24 **GRANTED.**

25 The following schedule shall apply:

- 26
- 27 • May 18, 2023: Defendant's response to Preliminary Injunction Motion;
 - 28 • May 18, 2023: Defendant's response to Complaint (motion or answer);
 - June 1, 2023: Plaintiffs' reply in support of Preliminary Injunction Motion;
 - June 1, 2023: Plaintiffs' response to motion filed by Defendant on May 18;

- June 8, 2023: Defendant's reply to any opposition filed on June 1, 2023.

IT IS SO ORDERED.

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