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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

**MOTION FOR EXPEDITED BRIEFING
AND CONSIDERATION OF
DEFENDANT HORNE'S MOTION TO
TRANSFER**

1 Defendant Thomas C. Horne in his official capacity as State Superintendent of Public
2 Instructions (“Superintendent Horne”) hereby respectfully requests expedited consideration of his
3 May 2, 2023 Motion to Transfer.

4 The Court has not yet made any substantive rulings in this matter. But a Complaint and
5 Motion for Preliminary Injunction have been filed, and Superintendent Horne and Plaintiffs have
6 stipulated to a briefing schedule on both of those filings. At the same time, Superintendent Horne
7 has requested that this matter be transferred to the Phoenix Division of the Arizona District Court.

8 It is clearly in the interest of consistency and judicial economy for a single judge to take
9 control of the matter from the outset, rather than to begin the litigation with one judge, only to
10 shortly thereafter transfer the litigation to another judge. Because deadlines are approaching
11 quickly on the Preliminary Injunction motion, the decision whether to transfer the case should be
12 made expeditiously—before the Court expends time and effort addressing matters that should
13 instead be addressed by the Phoenix Division to which the case may be (and in Superintendent
14 Horne’s view, should be) transferred.

15 Superintendent Horne therefore requests that the Court first decide the Motion to Transfer
16 before considering the Preliminary Injunction or any other substantive matters. Superintendent
17 Horne proposes the following expedited schedule for the Motion to Transfer, which moves up the
18 date for Plaintiffs’ response by one week:

- 19 May 2, 2023: Motion to Transfer filed;
- 20 May 9, 2023: Response due (one week to respond);
- 21 May 12, 2023: Reply due (three days after response).

22 We respectfully request that the Court then hold a hearing, if any, and announce a decision
23 as soon as practicable under the Court’s calendar. A proposed form of order is lodged
24 contemporaneously.

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 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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Case No. 4:23-cv-00185-JGZ

**[PROPOSED] ORDER ON MOTION
FOR EXPEDITED BRIEFING AND
CONSIDERATION OF DEFENDANT
HORNE’S MOTION TO TRANSFER**

Pursuant to Defendant Thomas C. Horne in his official capacity as State Superintendent of Public Instructions (“Superintendent Horne”) request for expedited consideration of his May 2, 2023 Motion to Transfer.

IT IS HEREBY ORDERED that the following expedited schedule for the Motion to Transfer is set as follows:

- May 2, 2023: Motion to Transfer filed;
- May 9, 2023: Response due (one week to respond);

1 May 12, 2023: Reply due (three days after response).
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3 **IT IS SO ORDERED.**
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5 DATED this _____ day of _____, 2023.
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7 _____
8 Honorable Jennifer G. Zipps
9 United States District Court Judge
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