

1 Colin M. Proksel, 034133  
2 Osborn Maledon, P.A.  
3 2929 North Central Avenue, Suite 2000  
4 Phoenix, Arizona 85012  
5 (602) 640-9000  
6 [cproksel@omlaw.com](mailto:cproksel@omlaw.com)

7 *Attorneys for Plaintiffs*  
8 *Additional counsel listed in signature block*

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF ARIZONA

11 Jane Doe, by her next friends and parents  
12 Helen Doe and James Doe; and Megan  
13 Roe, by her next friends and parents, Kate  
14 Roe and Robert Roe,

15 Plaintiffs,

16 v.

17 Thomas C. Horne, in his official capacity  
18 as State Superintendent of Public  
19 Instruction; Laura Toenjes, in her official  
20 capacity as Superintendent of the Kyrene  
21 School District; Kyrene School District;  
22 The Gregory School; and Arizona  
23 Interscholastic Association, Inc.,

24 Defendants.

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

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

25 Plaintiffs oppose Defendant Horne's Motion for Expedited Briefing and  
26 Consideration of Defendant Horne's Motion to Transfer ("Motion to Expedite"). As to  
27 Defendant Horne's motion to expedite briefing, the Local Rules provide that in a civil  
28 case a party opposing a motion has 14 days after service of the motion to serve and file a  
responsive memorandum. LRCiv 7.2. Defendant Horne has not provided good cause for  
the Court to depart from that Local Rule here. There is nothing urgent or unique about  
the arguments and relief requested in Defendant Horne's Motion to Transfer, and  
Defendant Horne's Motion to Expedite fails to explain why his Motion to Transfer should  
be treated differently than any other motion to transfer filed at the onset of a litigation.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Jyotin Hamid\*  
Justin R. Rassi\*  
Amy C. Zimmerman\*  
DEBEVOISE & PLIMPTON LLP  
66 Hudson Boulevard  
New York, New York 10001  
Telephone: (212) 909-6000  
Facsimile: (212) 909-6836  
Email: jhamid@debevoise.com  
Email: jrassi@debevoise.com  
Email: azimmerman@debevoise.com

Amy Whelan\*  
Rachel Berg\*  
NATIONAL CENTER FOR LESBIAN RIGHTS  
870 Market Street, Suite 370  
San Francisco, California 94102  
Telephone: (415) 343-7679  
Facsimile: (415) 392-8442  
Email: awhelan@nclrights.org  
Email: rberg@nclrights.org

*\*Admitted pro hac vice*

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 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 following CM/ECF registrants:

Dennis Ira Wilenchik  
Wilenchik & Bartness PC  
2810 N 3<sup>rd</sup> St., Ste. 103  
Phoenix, AZ 85004  
[admin@wb-law.com](mailto:admin@wb-law.com)  
*Attorney for Defendant Thomas C. Horne*

David Calvin Potts  
Jones Skelton & Hochuli PLC  
40 N Central Ave., Ste. 2700  
Phoenix, AZ 85004  
[dpotts@jshfirm.com](mailto:dpotts@jshfirm.com)  
*Attorney for The Gregory School*

Justin D. Smith  
Dean John Sauer  
James Otis Law Group LLC  
13321 N Outer Forty Rd., Ste. 300  
St. Louis, MO 63017  
[Justin.smith@james-otis.com](mailto:Justin.smith@james-otis.com)  
[John.sauer@james-otis.com](mailto:John.sauer@james-otis.com)  
*Attorneys for Proposed Intervenor-Defendants Senator Warren Peterson and Representative Ben Toma*

I hereby certify that on May 5, 2023, I electronically transmitted the attached document via first class mail and email to:

Kristian E. Nelson  
Phoenix Plaza Tower II  
2929 North Central Avenue, Suite 1700  
Phoenix, AZ 85012  
[Kristian.Nelson@lewisbrisbois.com](mailto:Kristian.Nelson@lewisbrisbois.com)  
*Attorney for Defendant Arizona Interscholastic Association Incorporated*

Jordan T. Ellel  
Tempe Tri-District Legal Counsel  
500 West Guadalupe Road  
Tempe, AZ 85283-3599  
[Jellel@tempeunion.org](mailto:Jellel@tempeunion.org)  
*Attorney for Defendants Kyrene Superintendent and Kyrene School District*

s/Rebecca Aniol