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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
TUCSON DIVISION**

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

**PLAINTIFFS' RESPONSE TO DEFENDANT
HORNE'S MOTION TO RESCHEDULE
THE PRELIMINARY INJUNCTION
HEARING**

Plaintiffs hereby respond to Defendant Horne's Motion to Reschedule the Preliminary Injunction Hearing (Doc. No. 57). Defendant Horne requests that the Court move the hearing currently set for June 26, 2023 at 9:00am to either June 28 or June 29, 2023 due to a scheduling conflict.

1 As an initial matter, the parties have not yet discussed what witnesses may be
2 necessary at the hearing, if any, as opposed to offering proof through declarations.
3 Nonetheless, Plaintiffs' counsel and their expert witnesses can appear in person before the
4 Court on June 26. While Plaintiffs' counsel are also available on both June 28 and June
5 29, neither of Plaintiffs' experts will be able to testify in person before the Court on those
6 days. Plaintiffs' experts are available to testify by videoconference on June 29 only. If the
7 Court is available and decides to move the hearing to June 29, Plaintiffs respectfully request
8 that the Court allow Plaintiffs' experts, if they are to be called as witnesses, to testify by
9 videoconference.

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Respectfully submitted this 1st day of June, 2023.

/s/ Colin M. Proksel
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**Admitted pro hac vice.*

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2023, I electronically transmitted the attached document via the CM/ECF system to:

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/s/ Colin Proksel
