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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

**AMENDED REQUEST TO
RESCHEDULE HEARING**

1 Defendant Thomas C. Horne, in his official capacity as State Superintendent of Public
2 Instruction (“Defendant Horne”), respectfully requests that the Court re-schedule the hearing on
3 Plaintiffs’ Motion for Preliminary Injunction (the “Hearing”) currently scheduled for June 26,
4 2023. Defendant Horne recently filed a Request to Reschedule Hearing on May 30, 2023 [#58].
5 In that Request, Defendant Horne explained that his counsel is scheduled to be in trial on the date
6 the Court set for the Hearing. Defendant Horne therefore requested the Court either (1) reschedule
7 the Hearing for either two or three days later (June 28 or June 29), or (2) query counsel for all
8 parties either by telephonic conference or by email from the Court’s assistant or any other means
9 the Court prefers, to coordinate in setting a Hearing date that is available to all parties wishing to
10 participate in the Hearing.

11 Defendant Horne now amends that Request to withdraw the proposed dates of June 28 or
12 June 29 for the Hearing because Defendant Horne’s counsel does not believe either of those dates
13 will provide a fair chance to prepare for the Hearing because those dates provide only zero days
14 or one day (after Defendant’s Counsel has completed the long-scheduled and extensive trial) for
15 Defendant Horne’s counsel to prepare for the Hearing. Defendant Horne therefore requests that
16 before rescheduling the Hearing, the Court query counsel for all parties either by telephonic
17 conference or by email from the Court’s assistant or any other means the Court prefers, to
18 coordinate in setting a Hearing date that is available to all parties wishing to participate in the
19 Hearing.

20 **RESPECTFULLY SUBMITTED** on June 2, 2023.

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

22 /s/ Dennis I. Wilenchik

23 Dennis I. Wilenchik, Esq.

24 Karl Worthington, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on June 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 registrants.

By: /s/ Hilary Myers