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

Jane Doe, by her next friend and parents  
Helen Doe and James Doe; and Megan Roe,  
by her next friend 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

**NOTICE OF PLAINTIFFS' PARTIAL  
WITHDRAWAL OF ARGUMENT  
AGAINST DEFENDANT THE GREGORY  
SCHOOL**

Plaintiffs Jane Doe and Megan Roe respectfully withdraw their argument that Defendant The Gregory School ("TGS") is subject to Title IX and the Rehabilitation Act by virtue of its receipt of a federal Paycheck Protection Program ("PPP") loan. (See Dkt. No. 64, § I.A.2 (asserting that argument in Plaintiffs' Opposition to Defendant TGS's motion to dismiss); Dkt No. 62 (incorporating that argument by reference in Plaintiffs' Reply to Defendant TGS in Support of Plaintiffs' Motion for a Preliminary Injunction)). On June 7, 2023, counsel for TGS provided Plaintiffs with official documentation from TGS's bank indicating that its PPP loan expired before the law at issue was in effect.

1 Plaintiffs therefore withdraw the argument that TGS's receipt of a PPP loan subjects TGS  
2 to liability in this case under Title IX and the Rehabilitation Act.

3 Plaintiffs continue to maintain that TGS's status as a section 501(c)(3) tax-exempt  
4 entity qualifies as federal financial assistance under Title IX and the Rehabilitation Act,  
5 and that alleging that TGS receives federal financial assistance is sufficient to overcome a  
6 motion to dismiss. (*See* Dkt. No. 64, §§ I.A, I.A.1.) Plaintiffs also continue to maintain  
7 that Defendant TGS is liable under the ADA, which applies regardless of whether TGS  
8 receives federal financial assistance. (*Id.* § I.B.)

9 Respectfully submitted this 8th day of June,  
10 2023.

11 */s/ Colin M. Proksel*

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