

No. 23-16030<sup>1</sup>

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**IN THE**  
**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

HELEN DOE, parent and next friend of Jane Doe, et al.,

*Plaintiffs-Appellees,*

V.

THOMAS C. HORNE, in his official capacity as  
State Superintendent of Public Instruction, et al.,

*Defendants-Appellants,*

And

WARREN PETERSEN, Senator, President of the  
Arizona State Senate;

BEN TOMA, Representative, Speaker of the  
Arizona House of Representatives,

*Real Parties In Interest.*

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Appeal from the United States District Court  
District of Arizona

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**CIRCUIT RULE 10-3.1 NOTICE OF INTENT  
TO NOT ORDER TRANSCRIPTS**

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<sup>1</sup> Appellant Horne has filed a motion to consolidate this appeal with 23-16026.

Pursuant to Circuit Rule 10-3.1, Defendant/Appellant Thomas C. Horne, in his capacity as Superintendent of Public Instruction, (“Horne”) states that Appellants Warren Petersen, Senator, President of the Arizona State Senate; Ben Toma, Representative, Speaker of the Arizona House of Representatives have ordered the entire transcript in 23-16026 which Horne has moved be consolidated with this appeal. Plaintiffs/Appellees have also ordered the entire transcript. Horne therefore provides notice that Horne does not intend to separately order the transcript.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of August, 2023.

WILENCHIK & BARTNESS, P.C.

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

**Form 8. Certificate of Compliance for Briefs**

9th Cir. Case Number(s) 23-16030 and 23-16026

I am the attorney or self-represented party.

This brief contains 77 words, including 0 words manually counted in any visual images, and excluding the items exempted by FRAP 32(f). The brief's type size and typeface comply with FRAP 32(a)(5) and (6).

I certify that this brief (select only one):

[X] complies with the word limit of Cir. R. 32-1.

[ ] is a cross-appeal brief and complies with the word limit of Cir. R. 28.1-1.

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Signature: /s/ Dennis Wilenchik

Date: August 3, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system on August 3, 2023.

In addition, a courtesy copy of the foregoing has been provided via email to the following counsel for Plaintiffs and other real parties in interest:

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