

**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,

Intervenor-Defendants-
Appellants.

No. 23-16030

Appeal from the United States
District Court for the District of
Arizona
(No. 4:23-cv-00185-JGZ)

**RESPONSE TO EMERGENCY MOTION UNDER CIRCUIT RULE 27-3
FOR STAY PENDING APPEAL**

Plaintiffs-Appellees Jane Doe and Megan Roe hereby respond to the Emergency Motion Under Circuit Rule 27-3 for Stay Pending Appeal filed by Defendant-Appellant Thomas C. Horne.

Mr. Horne incorporated by reference the “Legislative Leaders Emergency Motion for Stay,” presumably referring to the motion filed in appeal No. 23-16026.

On August 8, 2023, Plaintiffs-Appellees responded to the motion for stay in No. 23-16026. Plaintiffs-Appellees hereby incorporate that response by reference.

RESPECTFULLY SUBMITTED this 8th day of August, 2023.

OSBORN MALEDON, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Notice with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 8, 2023.

I certify that the participants in the case registered as CM/ECF users were served via the appellate CM/ECF system.

Dated: August 8, 2023.

OSBORN MALEDON, P.A.

By: *s/ Eric M. Fraser* _____

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CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) and Circuit Rule 21-1 because it contains 69 words and does not exceed 20 pages, excluding those portions pursuant to Federal Rule of Appellate Procedure 32(f), according to Microsoft Word.

This document complies with the typeface requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and the type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(6) because it was prepared in a proportionally spaced typeface in Microsoft Word using 14-point Times New Roman font.

Dated: August 8, 2023

By: *s/ Eric M. Fraser*

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