

Nos. 23-16026 & 23-16030 consolidated

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

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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.,

*Defendant-Appellant,*

and

WARREN PETERSEN, Senator, President of the Arizona State Senate;  
BEN TOMA, Representative, Speaker of the Arizona House of Representatives,

*Intervenors-Defendants-Appellants.*

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Appeal from the United States District Court  
District of Arizona

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**APPELLANT HORNE'S JOINDER IN AND INCORPORATION OF  
INTERVENOR-DEFENDANTS-APPELLANTS' PETITION FOR INITIAL  
EN BANC CONSIDERATION AND FOR EN BANC CONSIDERATION OF  
MOTION TO STAY PENDING APPEAL**

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Dennis I. Wilenchik, #005350  
Karl Worthington, #018703  
Wilenchik & Bartness, P.C.  
2810 North Third Street  
Phoenix, Arizona 85004  
[admin@wb-law.com](mailto:admin@wb-law.com)

Maria Syms, Bar No. 023019  
Director of Legal Services  
Arizona Department of Education  
1535 West Jefferson, BIN #50  
Phoenix, Arizona 85007  
[Maria.Syms@azed.gov](mailto:Maria.Syms@azed.gov)

*Counsel for Thomas C. Horne*

**DISCLOSURE STATEMENT**

No. 23-16026 – *Helen Doe, et al., v. Thomas C. Horne, et al.*  
(consolidated with No. 23-16030 – *Helen Doe, et al. al. v. Thomas Horne, et al.*)

A disclosure statement pursuant to Federal Rule of Appellate Procedure 26.1 is not required, as Defendants-Appellant Horne, in his capacity as Superintendent of Public Instruction for the State of Arizona is a government party.

*/s/ Dennis Wilenchik*

**ARGUMENT**

Pursuant to Federal Rule of Appellate Procedure 28(i), Defendant-Appellant Superintendent Horne joins and incorporates by reference the Intervenor-Defendants-Appellants' Petition for Initial En Banc Consideration and for En Banc Consideration of Motion to Stay Pending Appeal [DktEntry 17-1].

**RESPECTFULLY SUBMITTED** this 24th day of August, 2023.

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

*/s/ Dennis Wilenchik* \_\_\_\_\_

Dennis I. Wilenchik, Esq.  
Karl Worthington, Esq.  
The Wilenchik & Bartness Building  
2810 North Third Street  
Phoenix, Arizona 85004  
admin@wb-law.com

*/s/ Maria Syms* \_\_\_\_\_

Maria Syms, Esq.  
Director of Legal Services  
Arizona Department of Education  
1535 West Jefferson, BIN #50  
Phoenix, Arizona 85007  
Maria.Syms@azed.gov

*Counsel for Defendant-Appellant Thomas C.  
Horne*

**UNITED STATES COURT OF APPEALS  
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*/s/ Dennis Wilenchik*  
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Dennis Wilenchik  
*Counsel for Thomas C. Horne*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 24, 2023, I caused a true and correct copy of the foregoing to be filed by the Court's electronic filing system, to be served by operation of the Court's electronic filing system on counsel for all parties who have entered the case.

/s/ Dennis Wilenchik  
Dennis Wilenchik  
*Counsel for Thomas C. Horne*