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8 *Attorneys for Intervenor-Defendants President Petersen and Speaker Toma*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**
11 **TUCSON DIVISION**

12 Jane Doe, *et al.*,

13 Plaintiffs,

14 v.

15 Thomas C. Horne, in his official
16 capacity as State Superintendent of
17 Public Instruction, *et al.*,

18 Defendants.
19
20

Case No. 4:23-cv-00185-JGZ

21 **NOTICE OF APPEAL**
22 **PRELIMINARY INJUNCTION APPEAL**

23 Pursuant to Federal Rule of Appellate Procedure 3(a), Defendant-Intervenors
24 President Warren Petersen and Speaker Ben Toma hereby appeal, to the U.S. Court of
25 Appeals for the Ninth Circuit, the Court's July 20, 2023 Order on Motion for Preliminary
26 Injunction and Findings of Fact and Conclusions of Law, ECF No. 127.
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1 Dated: July 21, 2023

Respectfully submitted,

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3 JAMES OTIS LAW GROUP, LLC

4 /s/ Justin D. Smith

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CERTIFICATE OF SERVICE

I hereby certify that, on July 21, 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 in the case.

/s/ Justin D. Smith

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA, TUSCON DIVISION

**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

U.S. District Court case number: 4:23-cv-00185

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: 04/17/2023

Date of judgment or order you are appealing: 07/20/2023

Docket entry number of judgment or order you are appealing: 127

Fee paid for appeal? *(appeal fees are paid at the U.S. District Court)*

Yes No IFP was granted by U.S. District Court

List all Appellants *(List each party filing the appeal. Do not use "et al." or other abbreviations.)*

Warren Petersen, President of the Arizona Senate
Ben Toma, Speaker of the Arizona House of Representatives

Is this a cross-appeal? Yes No

If yes, what is the first appeal case number? _____

Was there a previous appeal in this case? Yes No

If yes, what is the prior appeal case number? 23-70111 (mandamus petition)

Your mailing address (if pro se):

City: _____ State: _____ Zip Code: _____

Prisoner Inmate or A Number (if applicable): _____

Signature /s/Justin D. Smith **Date** Jul 21, 2023

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) *(List each party filing the appeal, do not use "et al." or other abbreviations.)*

Name(s) of party/parties:

Warren Petersen, President of the Arizona Senate
Ben Toma, Speaker of the Arizona House of Representatives

Name(s) of counsel (if any):

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Justin D. Smith

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Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellee(s) *(List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)*

Name(s) of party/parties:

Helen Doe, parent and next friend of Jane Doe; James Doe, parents and next friend of Jane Doe; Kate Roe, parent and next friend of Megan Roe; Robert Roe, parent and next friend of Megan Roe

Name(s) of counsel (if any):

Colin M. Proksel

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To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

[Empty text box]

Name(s) of counsel (if any):

[Empty text box]

Address:

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Telephone number(s):

[Empty text box]

Email(s):

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Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellees

Name(s) of party/parties:

[Empty text box]

Name(s) of counsel (if any):

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Name(s) of party/parties:

Thomas C. Horne, Laura Toenjes, Kyrene School District, Gregory School,
Arizona Interscholastic Association (Defendants)

Name(s) of counsel (if any):

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David Potts, Lisa Smith (Gregory School); Kristian Nelson (AIA)

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Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

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