

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 14 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

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,

and

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

Intervenor-Defendants-Appellants.

No. 23-16026

D.C. No. 4:23-cv-00185-JGZ
District of Arizona,
Tucson

ORDER

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,

No. 23-16030

D.C. No. 4:23-cv-00185-JGZ

Defendant-Appellant,

and

LAURA TOENJES, in her official capacity
as Superintendent of the Kyrene School
District; et al.,

Defendants,

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

Intervenor-Defendants.

Before: SCHROEDER, BERZON, and OWENS, Circuit Judges.

The motions to stay the district court's July 20, 2023 order granting the motion for preliminary injunction (Docket Entry No. 7 in No. 23-16026 and Docket Entry No. 11 in No. 23-16030) are denied. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal).

The motion to consolidate appeal No. 23-16026 and No. 23-16030 (Docket Entry No. 9 in Appeal No. 23-16030) is granted.

The consolidated opening brief is due on September 8, 2023. The consolidated answering brief is due on October 6, 2023. The optional consolidated reply brief is due within 21 days after service of the answering brief.