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12 *Ron Shoopman, Larry Penley, Ram Krishna,*  
13 *Bill Ridenour, Lyndel Manson, Karrin Taylor Robson,*  
14 *Jay Heiler, and Fred DuVal*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

**Russell B. Toomey,**

Plaintiff,

v.

**State of Arizona; Arizona Board of Regents, d/b/a University of Arizona,** a governmental body of the State of Arizona;  
**Ron Shoopman,** in his official capacity as Chair of the Arizona Board of Regents;  
**Larry Penley,** in his official capacity as Member of the Arizona Board of Regents;  
**Ram Krishna,** in his official capacity as Secretary of the Arizona Board of Regents;  
**Bill Ridenour,** in his official capacity as Treasurer of the Arizona Board of Regents;  
**Lyndel Manson,** in her official capacity as Member of the Arizona Board of Regents;  
**Karrin Taylor Robson,** in her official capacity as Member of the Arizona Board of Regents;  
**Jay Heiler,** in his official capacity as Member of the Arizona Board of Regents;  
**Fred DuVal,** in his official

Case No. CV 19-00035-TUC-RM (LAB)

**DEFENDANTS ARIZONA BOARD OF REGENTS, RON SHOOPMAN, LARRY PENLEY, RAM KRISHNA, BILL RIDENOUR, LYNDEL MANSON, KARRIN TAYLOR ROBSON, JAY HEILER, AND FRED DUVAL'S RESPONSE TO PLAINTIFF'S SUPERSEDING MOTION FOR CLASS CERTIFICATION**

1 capacity as Member of the Arizona Board  
2 of Regents; **Andy Tobin**, in his official  
3 capacity as Director of the Arizona  
4 Department of Administration; **Paul**  
5 **Shannon**, in his official capacity as Acting  
6 Assistant Director of the Benefits Services  
7 Division of the Arizona Department of  
8 Administration,

9 Defendants.

10 As indicated in the Joint Proposed Discovery and Briefing Schedule with Respect to  
11 Plaintiff's Motion for Class Certification, Defendants Arizona Board of Regents, Ron  
12 Shoopman, Larry Penley, Ram Krishna, Bill Ridenour, Lyndel Manson, Karrin Taylor  
13 Robson, Jay Heiler, and Fred DuVal (collectively, "University Defendants") take no  
14 position on Plaintiff's Superseding Motion for Class Certification on the existing record.  
15 University Defendants will abide by the result reached whether by agreement of Plaintiff  
16 and State Defendants or by an order of this Court. [Doc. 80 at 7].

17 April 20, 2020

**PERKINS COIE LLP**

By: s/ Paul F. Eckstein

Paul F. Eckstein

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23 Regents, Ron Shoopman, Larry Penley, Ram  
24 Krishna, Bill Ridenour, Lyndel Manson, Karrin  
25 Taylor Robson, Jay Heiler, and Fred DuVal*

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**Certificate of Service**

I hereby certify that on April 20, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants.

A copy was also e-mailed this April 20, 2020 to:

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s/ Clair Wendt