

1 Mary R. O'Grady, 011434
2 Joshua D. Bendor, 031908
3 Emma J. Cone-Roddy, 034285
4 OSBORN MALEDON, P.A.
5 2929 North Central Avenue, Suite 2100
6 Phoenix, Arizona 85012-2793
7 (602) 640-9000
8 mogrady@omlaw.com
9 jbendor@omlaw.com
10 econe-rodgy@omlaw.com

11 Attorneys for Defendants

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

DOUGLAS HESTER, a teacher in the
Phoenix Union High School District,

Plaintiff,

vs.

PHOENIX UNION HIGH SCHOOL
DISTRICT; LELA ALSTON, STANFORD
PRESCOTT, NAKETA ROSS,
STEPHANIE PARRA, LAURA PASTOR,
STEVE GALLARDO, and AARON
MARQUEZ, in their official capacities as
members of the Phoenix Union High School
District Governing Board; CHAD
GESTSON, in his official capacity as
Superintendent of the Phoenix Union High
School District; DOES I-X,

Defendants.

No. CV2021-012160

**RESPONSE TO
MOTION TO STAY**

(Assigned to the Honorable
Randall H. Warner)

On September 29, 2021, Plaintiff filed a Second Amended Complaint and a Motion to Stay this case pending resolution of the appeal in *ASBA v. State*, No. CV2021-012741. Defendants do not oppose the request for a stay. As Plaintiff notes, Judge Cooper entered an order in the *ASBA* case holding (among other things) that A.R.S. § 15-342.05, which purports to prohibit school districts from requiring masks, is unconstitutional. The Arizona Supreme Court will hear oral argument on the appeal from that order on November 2, 2021. Defendants agree that, to conserve the resources of the parties and the Court, this matter should be stayed pending resolution of the *ASBA* appeal.

1 Defendants propose that they have until 20 days from the date on which the stay is lifted
2 to respond to the Second Amended Complaint.

3 DATED this 12th day of October, 2021.

4 OSBORN MALEDON, P.A.

5
6 By /s/ Joshua D. Bendor
7 Mary R. O'Grady
8 Joshua D. Bendor
9 Emma J. Cone-Roddy
10 2929 North Central Avenue, Suite 2100
11 Phoenix, Arizona 85012-2793

12 Attorneys for Defendants

13 This document was electronically filed
14 and copy served via eFiling system this
15 12th day of October, 2021 on:

16 The Honorable Randall H. Warner
17 Maricopa County Superior Court

18 Alexander Kolodin
19 Christopher Viskovic
20 Davillier Law Group, LLC
21 3443 N. Central Avenue, Suite 1009
22 Phoenix, AZ 85012
23 akolodin@davillierlawgroup.com
24 cviskovic@davillierlawgroup.com
25 phxadmin@davillierlawgroup.com

26 Attorneys for Plaintiff

27 /s/ Karen Willoughby
28