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*Attorneys for Plaintiff*

**SUPERIOR COURT OF THE STATE OF ARIZONA**  
**FOR THE COUNTY OF MARICOPA**

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

Case No. CV2021-012160

*Plaintiff,*

**MOTION TO STAY**

v.

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.*

On September 27, 2021, Judge Cooper entered an order in CV2021012741 ruling, in part, that the mask mandate at issue in this case is unconstitutional. The Attorney General’s office has announced its intent to appeal that decision. While the decision of the trial court is not binding on this Court, it seems likely that the Arizona Supreme Court will

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1 ultimately decide the constitutional issue raised in that case, and that the decision may  
2 determine the outcome in this case. Therefore, to minimize expenditures by the parties and  
3 the use of judicial resources, Plaintiff moves that this matter be held in abeyance, or stayed,  
4 pending potential resolution of the constitutional issues on appeal.

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6 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of September, 2021

7  
8 By /s/Alexander Kolodin  
9 Alexander Kolodin  
10 Christopher Viskovic  
11 **Davillier Law Group, LLC**  
12 3443 N. Central Ave. Ste. 1009  
13 Phoenix, AZ 85012

14  
15 I CERTIFY that a copy of the forgoing will be served upon the parties to this matter in  
16 conformity with the applicable rules of procedure.

17  
18 /s/Yuka Bacchus  
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