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

11 DOUGLAS HESTER;

12 *Plaintiff,*

13 v.

14 PHOENIX UNION HIGH SCHOOL  
15 DISTRICT; et al.;

16 *Defendants.*

17 **Consolidation Sought With**

18 ARIZONA SCHOOL BOARDS  
19 ASSOCIATION, INC.; et al.,

20 *Plaintiffs,*

21 v.

22 STATE OF ARIZONA, a body politic,

23 *Defendant.*

Case no. CV2021-012160

**REPLY TO STATE OF ARIZONA'S  
RESPONSE  
TO PLAINTIFF'S MOTION TO  
CONSOLIDATE**

*Expedited Consideration Requested*  
(Hon. Randall Warner)

Copy filed in CV2021-012741  
(Hon. Katherine Cooper)

24  
25 Plaintiff filed an extensive Reply in support of his Motion to Consolidate on  
26 Monday, addressing the arguments of AZ School Boards and Defendants. Today, the State  
27 of Arizona filed a short Response of its own that simply joins in the arguments advanced  
28 by AZ School Boards and Defendants regarding the desirability of avoiding unnecessary

1 costs or delay. Therefore, in Response, Plaintiff incorporates by reference his prior briefing  
2 on consolidation and points out that the State of Arizona lacks standing to oppose  
3 consolidation as it is not presently a party to the Instant Case, where that issue will be  
4 decided.

5 With respect to the delay issue, Plaintiff further reiterates that consolidation will not  
6 cause any delay. This morning, Judge Cooper laid out a scheduling order in the New Case.  
7 If the case is consolidated, and if the same scheduling order remains in place, Plaintiff  
8 Hester's response to AZ School Boards' Motion for Preliminary Injunction will be due  
9 September 5 at 5PM. Undersigned counsel appeared at the hearing and informed Judge  
10 Cooper that he is ready, willing, and able to follow that schedule (so long as the motion to  
11 consolidate is expeditiously granted).

12 Plaintiff also points out that he is the only party to either action who would directly  
13 benefit from seeing A.R.S. § 15-342.05 upheld and enforced. Such a voice should be  
14 represented in the adjudication of the weighty issues before the Court.

15  
16  
17 Respectfully submitted this 25<sup>th</sup> day of August, 2021

18  
19 By /s/Alexander Kolodin

Alexander Kolodin  
Chris Viskovic

*Attorneys for Plaintiff*

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21  
22  
23  
24 I CERTIFY that a copy of the forgoing will be served on defendants electronically as  
25 required by this Court's Order and courtesy copies provided to the litigants in the New  
26 Case.

27  
28 By /s/Chris Viskovic

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