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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The NATIONAL FEDERATION OF THE
BLIND, The AMERICAN COUNCIL OF
THE BLIND, and DARRELL SHANDROW,

Plaintiffs,

vs.

The ARIZONA BOARD OF REGENTS and
ARIZONA STATE UNIVERSITY,

Defendants

Case No: 2:09-cv-01359-GMS

**UNOPPOSED MOTION FOR
EXPEDITED SCHEDULING
CONFERENCE**

(Honorable G. Murray Snow)

Plaintiffs, by and through their undersigned counsel, respectfully request the Court to convene an expedited case management conference pursuant to Fed. R. Civ. P.16 and Ariz. L.R. 16.2, to set a hearing date on Plaintiffs' Motion for Preliminary Injunction and to establish a schedule for the proceedings relating to that motion. Defendants do not oppose this motion to the extent that it requests an early case management conference. Defendants agree that it makes sense to hold a brief scheduling conference but do not concede that an expedited hearing on the motion for preliminary injunction is warranted or necessary.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs have filed a motion seeking a preliminary injunction enjoining Arizona State University ("ASU") from using the Kindle DX electronic book reader for course materials because the Kindle menus are inaccessible to blind students. *See* Motion for Preliminary Injunction and Memorandum in Support Thereof dated June 25, 2009. Because ASU intends to move forward with this pilot program when its Fall semester begins on August 24, 2009, it is imperative that the hearing on Plaintiffs' Motion for Preliminary Injunction be held prior to that date.

Cognizant of the impending August 24, 2009 deadline, Plaintiffs served the Motion for Preliminary Injunction and a Motion for Expedited Discovery together with the Summons and Complaint on June 26, 2009. Counsel for Plaintiffs also reached out to Lisa Hudson, the Assistant Attorney General assigned to this case, to confer on a mutually acceptable schedule for the hearing on Plaintiffs' Motion for Preliminary Injunction and the events leading up to the hearing. Because Ms. Hudson will be on vacation during the first two weeks of August, the parties agreed to ask the Court to set

the injunction hearing, if one is to be held prior to the start of the semester, during the week of August 17, 2009. Counsel for Plaintiffs also agreed not to oppose Defendants' request for an extension of the deadline for answering the Complaint and responding to the Motion for Preliminary Injunction until July 24, 2009.

Based on the foregoing, Plaintiffs respectfully request the Court to set an early case management conference to: (1) set a hearing date for Plaintiffs' Motion for Preliminary Injunction during the week of August 17, 2009, if acceptable to the Court; (2) address any other scheduling issue relating to the Motion for Preliminary Injunction; and (3) answer any questions the Court may have concerning these proceedings. Counsel for Plaintiffs have conferred with counsel for Defendants, who indicates that Defendants do not oppose this motion for the limited purpose of setting a scheduling conference. Defendants do not concede that an expedited hearing on the motion for preliminary injunction is required or necessary, as Defendants oppose Plaintiffs' request for a preliminary injunction.

RESPECTFULLY SUBMITTED this 15th day of July, 2009.

BONNETT, FAIRBOURN, FRIEDMAN
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/s/Andrew S. Friedman

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 15, 2009.

By: /s/Nancy Varner
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