

1 TERRY GODDARD
2 Attorney General

3 Lisa K. Hudson, 012597
4 Alisa Blandford, 022901
5 Assistant Attorney General
6 1275 W. Washington
7 Phoenix, Arizona 85007-2997
8 Telephone: (602) 542-7673
9 Telephone: (602) 542-7687
10 Fax: (602) 542-7644
11 Lisa.Hudson@azag.gov
12 Alisa.Blandford@azag.gov

13 Attorneys for Defendants

14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 The NATIONAL FEDERATION OF
17 THE BLIND, The AMERICAN
18 COUNCIL OF THE BLIND, and
19 DARRELL SHANDROW,

20 Plaintiff,

21 vs.

22 The ARIZONA BOARD OF REGENTS
23 and ARIZONA STATE UNIVERSITY

24 Defendants.

Case No: CV09-01359 GMS

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR
EXPEDITED DISCOVERY**

(Assigned to Honorable G. Murray Snow)

25 Defendants Arizona Board of Regents (ABOR) and Arizona State University
26 (ASU) oppose Plaintiffs' Motion for Expedited Discovery.

MEMORANDUM OF POINTS AND AUTHORITIES

27 Plaintiffs' motion fails to establish sufficient grounds for their request. They
28 argue that expedited discovery is necessary because they are seeking a preliminary
injunction. As discussed in Defendants' opposition to that motion, Plaintiffs cannot
establish a likelihood of success on the merits or likely irreparable harm. None of the
discovery Plaintiffs seek to expedite will aid their ability to prove or argue the merits of

1 their claims, particularly in regard to the lack of irreparable harm. In addition, Plaintiffs'
2 motion was filed before this Court's order setting an expedited scheduling conference
3 (Document # 24). By the time of that conference, the Plaintiffs will have Defendants'
4 Initial Disclosure Statement. Plaintiffs will also be able to conduct discovery in the
5 normal course. For these reasons, the Court should deny Plaintiffs' motion.

6 Respectfully submitted this 24th day of July, 2009.

7 Terry Goddard
8 Attorney General

9 s/ Lisa K. Hudson _____
10 Lisa K. Hudson
11 Assistant Attorney General
12 Attorney for Defendants

13 I certify that I electronically
14 transmitted the attached document
15 to the Clerk's Office using the
16 CM/ECF System for filing and
17 transmittal of a Notice of Electronic
18 Filing to the following, if CM/ECF
19 registrants, and mailed a copy of
20 same to any non-registrants, this
21 this 24th day of July, 2009 to:
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27
28

1 Andrew S. Friedman
Guy A. Hansen
2 BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.
2901 North Central Avenue, Suite 1000
3 Phoenix, AZ 85012

4 Daniel F. Goldstein
Mehgan Sidhu
5 BROWN, GOLDSTEIN & LEVY, LLP
120 E. Baltimore St., Suite 1700
6 Baltimore, MD 21202

7 Amy Robertson
FOX & ROBERTSON, P.C.
8 104 Broadway, Suite 400
Denver, CO 80203

9 Eve Hill
10 1667 K St. NW, Suite 640
Washington, DC 20006

11 Attorneys for Plaintiffs

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13
14 s/ Chris Austin
Secretary to Lisa K. Hudson

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