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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-MHM

**REQUEST FOR PRETRIAL  
CONFERENCE**

Pursuant to Rule 16, Federal Rules of Civil Procedure, Plaintiffs National Federation of the Blind ("NFB"), American Council of the Blind ("ACB") and Darrell Shandrow request that the Court schedule a Pretrial Conference at the earliest possible

date in order to expedite the disposition of this action. The nature of this action necessitates the Court's early involvement and management of this litigation.

Plaintiffs have filed a complaint seeking to preliminarily enjoin Defendant Arizona State University ("ASU") and the Arizona Board of Regents ("Regents") from implementing an electronic textbook program during its fall 2009 semester (which begins August 24, 2009). The program involves the distribution of the Kindle DX electronic book readers to students taking The Human Event course in ASU's Barrett Honors College and other courses to be selected. As alleged in the Complaint and explained in the Motion for Preliminary Injunction and Memorandum in Support, ASU's program violates federal law because students who are blind cannot navigate the menus and operational features of the Kindle DX, making it inaccessible to them.

Upon learning of ASU's electronic textbook program in May 2009, a representative of the Reading Rights Coalition, which includes Plaintiffs NFB and ACB, wrote ASU that the use of Kindle DX violates the Rehabilitation Act and the Americans with Disabilities Act, and asked that ASU postpone the program until Amazon makes a Kindle DX that is accessible to blind students. After further discussions with a representative of the organizational plaintiffs, ASU elected to proceed with the program as scheduled for the fall 2009 semester.

Plaintiffs request that the Court schedule a Pretrial Conference for the following purposes:

- (1) To implement an expedited discovery schedule;<sup>1</sup>

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<sup>1</sup> Plaintiffs are filing a Motion for Expedited Discovery concurrently with this Request for Expedited Pretrial Conference and have sent Defendants a list of Plaintiffs' anticipated witnesses at the hearing with a short description of the subject matter of the testimony of each.

- (2) To implement a briefing schedule on the Motion for Preliminary Injunction by the parties; and
- (3) To schedule an evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction.

Given the nature of the requested injunctive relief and the timing issues, all parties will benefit from the Court's early involvement in the proceedings. Accordingly, Plaintiffs request that the Court schedule a Rule 16 Pretrial Conference on an expedited basis.

RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of June, 2009.

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/s/Andrew S. Friedman

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COPY of the foregoing hand-delivered  
this 25<sup>th</sup> day of June, 2009 to:

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/s/Nancy Varner  
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