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8 *Attorneys for Defendants Arizona Board of Regents,*
Ron Shoopman, Larry Penley, Ram Krishna,
 9 *Bill Ridenour, Lyndel Manson, Karrin Taylor Robson,*
 10 *Jay Heiler, and Fred DuVal*

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE DISTRICT OF ARIZONA

13 **Russell B. Toomey,**

14 Plaintiff,

15 v.

16
 17 **State of Arizona; Arizona Board of**
 18 **Regents, d/b/a University of Arizona,** a
 governmental body of the State of Arizona;
 19 **Ron Shoopman,** in his official capacity as
 Chair of the Arizona Board of Regents;
 20 **Larry Penley,** in his official capacity as
 Member of the Arizona Board of Regents;
 21 **Ram Krishna,** in his official capacity as
 22 Secretary of the Arizona Board of Regents;
 23 **Bill Ridenour,** in his official capacity as
 Treasurer of the Arizona Board of Regents;
 24 **Lyndel Manson,** in her official capacity as
 Member of the Arizona Board of Regents;
 25 **Karrin Taylor Robson,** in her official
 26 capacity as Member of the Arizona Board of
 Regents; **Jay Heiler,** in his official capacity
 27 as Member of the Arizona Board of
 28 Regents; **Fred DuVal,** in his official

Case No. CV 19-00035-TUC-RM (LCK)

**DEFENDANTS ARIZONA BOARD
 OF REGENTS, RON SHOOPMAN,
 LARRY PENLEY, RAM KRISHNA,
 BILL RIDENOUR, LYNDEL
 MANSON, KARRIN TAYLOR
 ROBSON, JAY HEILER, AND
 FRED DUVAL'S OBJECTION
 TO REPORT AND
 RECOMMENDATION (DOC. 46)**

1 capacity as Member of the Arizona Board of
2 Regents; **Andy Tobin**, in his official
3 capacity as Director of the Arizona
4 Department of Administration; **Paul**
5 **Shannon**, in his official capacity as Acting
6 Assistant Director of the Benefits Services
7 Division of the Arizona Department of
8 Administration,

Defendants.

9 Pursuant to 28 U.S.C. § 636(b)(1), Defendants Arizona Board of Regents, Ron
10 Shoopman, Larry Penley, Ram Krishna, Bill Ridenour, Lyndel Manson, Karrin Taylor
11 Robson, Jay Heiler, and Fred DuVal (collectively, “Answering Defendants”) object to the
12 Magistrate Judge’s Report and Recommendation, (Doc. 46), on the grounds that it is not
13 clear from the Report and Recommendation whether the Magistrate Judge’s recommended
14 dismissal of the Title VII claim applies to all parties. To the extent that the dismissal of the
15 Title VII claim does not apply to all parties, Answering Defendants object. Answering
16 Defendants should get the benefit of any ruling granting dismissal of the Title VII claim,
17 especially when, as here, the dismissal is based entirely on legal grounds and the Answering
18 Defendants do not control the health care plan that is central to Plaintiff’s Title VII claim.

19 RESPECTFULLY SUBMITTED this July 3, 2019.

20 **PERKINS COIE LLP**

21 By /s/ Paul F. Eckstein

22 Paul F. Eckstein

23 Austin C. Yost

24 2901 N. Central Avenue, Suite 2000

Phoenix, AZ 85012

25 *Attorneys for Defendants Arizona Board of*
26 *Regents, Ron Shoopman, Larry Penley, Ram*
27 *Krishna, Bill Ridenour, Lyndel Manson, Karrin*
28 *Taylor Robson, Jay Heiler, and Fred DuVal*

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants.

A copy was also e-mailed this July 3, 2019 to:

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/s/ Clair Wendt

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