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Big Sisters of America

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

John CD Doe, a single man,

Plaintiff,

vs.

Big Brothers Big Sisters of America, a
District of Columbia, non-profit
corporation; Big Brothers Big Sisters of
Central Arizona, an Arizona corporation;
John Doe 1-100; Jane Doe 1-100; and Black
& White Corporations 1-100,

Defendants.

Case No. CV2020-014920

**MOTION TO EXTEND TIME TO
FILE JOINT STATUS REPORT AND
PROPOSED SCHEDULING ORDER**

(Assigned to the Hon. Bradley Astrowsky)

Defendant Big Brothers Big Sisters of America (“BBBSA”), through undersigned counsel, respectfully requests that this Court enter an order extending the time for the parties to file a joint status report. Following the Court’s ruling on BBBSA’s Motion to Dismiss, it granted the parties’ stipulation to submit their Joint Report and Proposed Scheduling Order by November 5, 2021. Since then, BBBSA has received an order from another superior court judge who has applied A.R.S. § 12-514 differently than this Court in ruling on virtually

1 identical claims as the Plaintiff's claims here. As a result, BBBSA filed a Motion to Stay
2 Case Pending Special Action or Extend Time to File Answer ("Moton to Stay") so that it may
3 seek special action review in both this case and the related action. Plaintiff's counsel has not
4 responded to that motion, which remains pending with this Court. In the interim, undersigned
5 counsel have prepared and are finalizing two petitions for special action which they expect
6 to file early next week.

7 Under the circumstances, with a Motion to Stay pending and the filing of the petitions
8 for special action imminent, BBBSA believes it that it would be a better use of litigation and
9 judicial resources to postpone the preparation and filing of a Joint Report and Scheduling
10 Order until the Court of Appeals has an opportunity to determine whether it will accept
11 special action jurisdiction on substantive issues which may be dispositive of or substantially
12 narrow the claims in this case.¹

13 Thus, although this Motion may not be strictly necessary in light of BBBSA's pending
14 Motion to Stay, undersigned counsel, in an abundance of caution, respectfully requests that
15 this Court enter an Order granting the previously filed Motion to Stay, or, alternatively,
16 extending the deadline for the parties to file a Joint Status Report for thirty (30) days and
17 vacating the order to require the filing of a scheduling order at this time.

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19 DATED this 5th day of November, 2021.

20
21 BERKE LAW FIRM, PLLC

22 By /s/ Stacey F. Gottlieb
23 Lori V. Berke
24 Stacey F. Gottlieb
25 Jody C. Corbett
26 Attorneys for Defendant Big Brothers Big
27 Sisters of America

28 ¹ Given the procedural posture of the case, Plaintiff's counsel reasonably have not initiated a
dialogue or proposed a draft joint report or scheduling order.

1 The foregoing document was e-filed
2 with the Clerk of Court this 5th day
3 of November, 2021, and a copy e-served via
4 AZTurboCourt to:

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