



1 **1. FISHER PLAINTIFFS' OBJECTION TO SPECIAL MASTER'S R&R**

2  
3 COME NOW, Plaintiffs Roy and Josie Fisher (hereinafter the Fisher Plaintiffs), by and  
4 through counsel undersigned, Rubin Salter, Jr. to submit the instant objection to the  
5 Special Master's 04/29/14 "Report and Recommendation Regarding the Appointment of  
6 the Director for Culturally Responsive Pedagogy and Instruction" (see document number  
7 1529 filed 04/29/14).

8  
9 IN SUPPORT WHEREOF, counsel undersigned cites the following facts and authority.  
10 The Fisher Plaintiffs, while otherwise satisfied with the recommendations made by  
11 Special Master Willis Hawley in his 04/29/14 report, remain concerned that the interests  
12 of the District's African American students will suffer irreparable harm by the eight-  
13 month, interim appointment of a candidate who "[f]rom the record," does not clearly  
14 have "experience in curriculum development related to African American students, as  
15 required by the USP" (at page 2 of 04/29/14 report and recommendation). For this  
16 reason, the Fisher Plaintiffs respectfully move this Court to follow the recommendations  
17 made by the Special Master in his 04/29/14 report and, *additionally*, to require the  
18 Tucson Unified School District (the District) to compensate for the interim appointee's  
19 lack of "experience in curriculum development related to African American students" by  
20 requiring the District to solicit and act on the recommendations of a nationally recognized  
21 expert in curriculum development for African American students. While cognizant of the  
22 need for the interim appointment, the Fisher Plaintiffs believe that this supplementary  
23 measure is necessary to safeguard the interests of the District's African American  
24 students and ensure the equitable implementation of this provision of the Unitary Status  
25 Plan (USP). To this end, the Fisher Plaintiffs respectfully recommend consulting with  
26 Dr. Jacqueline Jordan Irvine, Professor of Urban Education in the Division of  
27 Educational Studies at Emory University, a nationally recognized expert in the field of  
28 culturally relevant pedagogy and the education of African American students.

1 **2. CONCLUSION**

---

2  
3 On the basis of the foregoing facts and arguments, the Fisher Plaintiffs respectfully move  
4 this Court to grant the relief requested herein.

5  
6 Respectfully submitted this 6th day of May, 2014

7  
8 s/ Rubin Salter, Jr.

9 RUBIN SALTER, JR., ASBN 01710

10 Counsel for Fisher Plaintiffs

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **3. CERTIFICATE OF SERVICE**

---

2  
3 I declare and certify that foregoing document was electronically transmitted to the  
4 CM/ECF system for filing and transmittal of a notice of electronic filing to the following  
5 CM/ECF registrants on this 6th day of May, 2014:

6  
7 WILLIAM BRAMMER ASBN 002079  
8 OSCAR S. LIZARDI ASBN 016626  
9 MICHAEL J. RUSING 006617  
10 PATRICIA L. VICTORY 029231  
11 Attorneys for Defendant TUSD  
12 Rusing, Lopez & Lizardi, PLLC  
13 6363 N. Swan Rd., Suite 151  
14 Tucson, Arizona 85718  
15 (520) 792-4900  
brammer@rllaz.com  
olizardi@rllaz.com  
mrusing@rllaz.com  
pvictory@rllaz.com

JULIE C. TOLLESON ASBN 000000  
Attorney for Defendant TUSD  
Tucson Unified School District  
Legal Department  
1010 E 10th St.  
Tucson, AZ 85719  
(520) 225-6040  
julie.tolleson@tusd1.org

16 LOIS D. THOMPSON CSBN 093245  
17 JENNIFER L. ROCHE CSBN 254538  
18 Attorneys for Mendoza Plaintiffs  
19 Proskauer Rose LLP  
20 2049 Century Park East, Suite 3200  
21 Los Angeles, California 90067  
22 (310) 557-2900  
23 lthompson@proskauer.com  
24 jroche@proskauer.com

NANCY A. RAMIREZ CSBN 152629  
Attorney for Mendoza Plaintiffs  
Mexican American LDEF  
634 S. Spring St. 11th Floor  
Los Angeles, CA 90014  
(213) 629-2512  
nramirez@maldef.org

1 ANURIMA BHARGAVA, Chief  
2 ZOE M. ZAVITSKY  
3 Educational Opportunities Section  
4 Civil Rights Division USDOJ  
5 950 Pennsylvania Avenue, NW  
6 Patrick Henry Building, Suite 4300  
7 Washington, D.C. 20530  
8 (202) 305-3223  
9 anurima.bhargava@usdoj.gov  
10 zoe.savitsky@usdoj.gov

WILLIS D. HAWLEY  
Special Master  
2138 Tawes Building  
College of Education  
University of Maryland  
College Park, MD 20742  
(301) 405-3592  
wdh@umd.edu

11 Respectfully submitted this 6th day of May, 2014

12 s/ Rubin Salter, Jr.

13 RUBIN SALTER, JR., ASBN 01710  
14 Counsel for Fisher Plaintiffs