

1 LOIS D. THOMPSON, Cal. Bar No. 093245 (Admitted Pro Hac Vice)  
lthompson@proskauer.com  
2 JENNIFER L. ROCHE, Cal. Bar No. 254538 (Admitted Pro Hac Vice)  
jroche@proskauer.com  
PROSKAUER ROSE LLP  
3 2049 Century Park East, 32nd Floor  
Los Angeles, California 90067-3206  
4 Telephone: (310) 557-2900  
Facsimile: (310) 557-2193  
5

6 JUAN RODRIGUEZ, Cal. Bar No. 282081 (Admitted Pro Hac Vice)  
jrodriguez@maldef.org  
7 THOMAS A. SAENZ, Cal. Bar No. 159430 (Admitted Pro Hac Vice)  
tsaenz@maldef.org  
MEXICAN AMERICAN LEGAL DEFENSE AND  
8 EDUCATIONAL FUND (MALDEF)  
634 S. Spring St.  
9 11th Floor  
Telephone: (213) 629-2512 ext. 121  
10 Facsimile: (213) 629-0266

11 Attorneys for Mendoza Plaintiffs

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF ARIZONA**

14 Roy and Josie Fisher, et al.,  
15 Plaintiffs,  
16  
17 v.  
18 United States of America,  
19 Plaintiff-Intervenors,  
20  
21 v.  
22 Anita Lohr, et al.,  
23 Defendants,  
24 Sidney L. Sutton, et al.,  
25 Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**DECLARATION OF JUAN RODRIGUEZ IN SUPPORT OF REPLY IN SUPPORT OF MENDOZA PLAINTIFFS' MOTION TO STRIKE TUCSON UNIFIED SCHOOL DISTRICT'S OBJECTION TO SPECIAL MASTER'S REPORT AND RECOMMENDATIONS RELATING TO PRINCIPAL AND TEACHER EVALUATIONS (ECF 1845) OR, IN THE ALTERNATIVE, TO PROVIDE THE PLAINTIFFS AND THE SPECIAL MASTER A REASONABLE OPPORTUNITY TO RESPOND TO THE NEW EVIDENCE OFFERED FOR THE FIRST TIME IN THE OBJECTION AND TO THE DISTRICT'S ATTACK ON THE R&R AS "PUNITIVE"**

Hon. David C. Bury

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1 Maria Mendoza, et al.,  
 2 Plaintiffs,  
 3 United States of America,  
 4 Plaintiff-Intervenor,  
 5 v.  
 6 Tucson United School District No. One, et al.,  
 7 Defendants.

Case No. CV 74-204 TUC DCB

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10 I, Juan Rodriguez, declare under penalty of perjury that the following statements are  
11 true:

12 1. I am above the age of 18 and am competent to make this Declaration. I am  
13 an attorney of record for the Mendoza Plaintiffs in this action and have personal  
14 knowledge regarding the facts stated herein. This declaration is based upon my personal  
15 knowledge, information and belief.

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17 2. I attended meetings held among the parties and Special Master on October 5  
18 and 6, 2015 in Tucson. Three attorneys of record for TUSD attended the meetings held in  
19 Tucson on October 5 and 6, 2015.

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21 3. At some point, the District’s Objection to the Special Master’s R&R Relating  
22 to Teacher and Principal Evaluations (ECF 1853) (“TUSD Objection”) was referenced at  
23 the meeting. Counsel for Mendoza Plaintiffs then notified the District of their intent to file  
24 a motion to strike for the specific reason that the District provided new evidence for the  
25 first time in its objection relating to principal evaluations under a process that does not  
26 allow the Mendoza Plaintiffs an opportunity to respond as a matter of course.  
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1           4. At no point during the October 5 and 6, 2015 meetings or before the Mendoza  
2 Plaintiffs filed their Motion to Strike Tucson Unified School District’s Objection to  
3 Special Master’s R&R Relating to Principal and Teacher Evaluations or, in the Alternative,  
4 to Provide the Plaintiffs and the Special Master a Reasonable Opportunity to Respond to  
5 the New Evidence Offered for the First Time in the Objection and to the District’s Attack  
6 on the R&R as “Punitive” (Doc. 1855) did the District state that it would stipulate to a  
7 motion for leave to respond to the expert declaration attached to the TUSD Objection.  
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10           I declare under penalty of perjury under the laws of the United States that the  
11 foregoing is true and correct.  
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17 Dated: October 30, 2015

MALDEF  
JUAN RODRIGUEZ

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19           /s/ Juan Rodriguez  
20           Attorney for Mendoza Plaintiffs  
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