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**TUCSON UNIFIED SCHOOL DISTRICT**

LEGAL DEPARTMENT

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*Attorneys for Tucson Unified School District No. One, et al.*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB  
(Lead Case)

v.

United States of America,

Plaintiff-Intervenor,

**JOINT MOTION FOR BRIEFING  
SCHEDULE ON NOTICE AND  
REQUEST FOR APPROVAL  
RELATED TO GRADE  
RECONFIGURATIONS (First  
Request)**

v.

Anita Lohr, et al.,

Defendants,

CV 74-204 TUC DCB  
(Consolidated Case)

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

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

8 Tucson Unified School District No. One (“TUSD”) hereby files this joint motion of  
 9 the parties, in which the Special Master concurs, to establish the briefing schedule on  
 10 TUSD’s upcoming Notice and Request for Approval (“NARA”) relating to grade  
 11 reconfigurations. A true and correct copy of the emails from counsel for Plaintiffs, the  
 12 Department of Justice and the Special Master confirming agreement with this schedule are  
 13 attached hereto as **Exhibit A**.

14 The Special Master and the parties have agreed to the following:

- 15 1. The parties will have 20 days from the filing by TUSD of the NARA to file  
 16 any Objection made to the Special Master with the Court.
- 17 2. Within 20 days of the filing date of an Objection, TUSD may file a Response  
 18 with the Court, simultaneously, with its presentation to the Special Master.
- 19 3. The Special Master will have 10 days from the filing of the Response to file a  
 20 Report and Recommendation (“R&R”) with the Court with a request for an  
 21 expedited ruling within 30 days.
- 22 4. Within 5 business days of the filing of the R&R any party may file an  
 23 objection not previously raised, to any aspect of the R&R new to the  
 24 discussion and adverse to its previously expressed position, supported by the  
 25 reasons for the objection.
- 26 5. Thereafter, the Court shall consider the matter fully briefed and ready for  
 27 disposition.  
 28

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DATED this 16<sup>th</sup> day of November, 2015.

**RUSING LOPEZ & LIZARDI, P.L.L.C.**

s/ J. William Brammer, Jr.  
J. William Brammer, Jr.  
Patricia V. Waterkotte  
Attorneys for Tucson Unified School District No. One, et al.

**TUCSON UNIFIED SCHOOL DISTRICT  
LEGAL DEPARTMENT**

Julie C. Tolleson  
Samuel E. Brown  
Attorneys for Tucson Unified School District No. One, et al.

s/ Rubin Salter, Jr. \_\_\_\_\_  
Rubin Salter, Jr.  
Kristian H. Salter  
Attorneys for Fisher Plaintiffs

**PROSKAUER ROSE LLP**

s/ Lois D. Thompson \_\_\_\_\_  
Lois D. Thompson  
Jennifer L. Roche  
Attorneys for Mendoza Plaintiffs

**MALDEF**

s/ Juan Rodriguez \_\_\_\_\_  
Juan Rodriguez  
Attorneys for Mendoza Plaintiffs

**DEPARTMENT OF JUSTICE**

s/Zoe M. Savitsky \_\_\_\_\_  
Anurima Bhargava  
Zoe M. Savitsky  
James Eichner  
Attorneys for Department of Justice

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1 **ORIGINAL** of the foregoing filed via the CM/ECF  
2 Electronic Notification System and transmittal of a  
3 Notice of Electronic Filing provided to all parties  
4 that have filed a notice of appearance in the District  
5 Court Case, as listed below.

4 **ANDREW H. MARKS**  
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15 s/ Jason Linaman \_\_\_\_\_

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# **EXHIBIT A**

**Jason Linaman**

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**From:** Juan Rodriguez [mailto:jrodriguez@MALDEF.org]  
**Sent:** Friday, October 30, 2015 2:41 PM  
**To:** Rubin Salter, Jr.; James.Eichner@usdoj.gov; wdh@umd.edu; William Brammer; Samuel.Brown@tusd1.org  
**Cc:** lthompson@proskauer.com; Shaheena.Simons@usdoj.gov; Zoe.Savitsky@usdoj.gov; Julie.Tolleson@tusd1.org; deseg@tusd1.org; TUSD  
**Subject:** RE: Request for Agreement on Grade Reconfiguration Briefing Schedule

The Mendoza Plaintiffs also are fine with the proposed briefing schedule.

**Juan Rodriguez** | Staff Attorney

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*MALDEF: The Latino Legal Voice for Civil Rights in America.*

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**From:** Rubin Salter, Jr. [mailto:rsjr3@aol.com]  
**Sent:** Friday, October 30, 2015 12:24 PM  
**To:** James.Eichner@usdoj.gov; wdh@umd.edu; WBrammer@rllaz.com; Samuel.Brown@tusd1.org  
**Cc:** Juan Rodriguez; lthompson@proskauer.com; Shaheena.Simons@usdoj.gov; Zoe.Savitsky@usdoj.gov; Julie.Tolleson@tusd1.org; deseg@tusd1.org; TUSD@rllaz.com  
**Subject:** Re: Request for Agreement on Grade Reconfiguration Briefing Schedule

Special Master Hawley and counsel:

The Fisher Plaintiffs are satisfied with and agree to the proposed briefing schedule.

Rubin Salter, Jr.

-----  
Rubin Salter, Jr.  
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-----Original Message-----

From: Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>

To: Willis D. Hawley <wdh@umd.edu>; William Brammer <WBrammer@rllaz.com>; Brown, Samuel <Samuel.Brown@tusd1.org>

Cc: Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Simons, Shaheena (CRT) (CRT) <Shaheena.Simons@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Julie Tolleson <Julie.Tolleson@tusd1.org>; Desegregation <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>

Sent: Fri, Oct 30, 2015 8:36 am

Subject: RE: Request for Agreement on Grade Reconfiguration Briefing Schedule

Fine with DOJ as well.

---

**From:** Willis D. Hawley [mailto:wdh@umd.edu]

**Sent:** Friday, October 30, 2015 11:33 AM

**To:** William Brammer; Eichner, James (CRT); Brown, Samuel

**Cc:** Rubin Salter, Jr.; Juan Rodriguez; Thompson, Lois D.; Simons, Shaheena (CRT); Savitsky, Zoe (CRT); Julie Tolleson; Desegregation; TUSD

**Subject:** RE: Request for Agreement on Grade Reconfiguration Briefing Schedule

**Fine. Thanks for checking this. Bill**

---

**From:** William Brammer [mailto:WBrammer@rllaz.com]

**Sent:** Friday, October 30, 2015 11:22 AM

**To:** Eichner, James (CRT) <James.Eichner@usdoj.gov>; Willis D. Hawley <wdh@umd.edu>; Brown, Samuel <Samuel.Brown@tusd1.org>

**Cc:** Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Simons, Shaheena (CRT) <Shaheena.Simons@usdoj.gov>; Savitsky, Zoe (CRT) <Zoe.Savitsky@usdoj.gov>; Julie Tolleson <Julie.Tolleson@tusd1.org>; Desegregation <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>

**Subject:** RE: Request for Agreement on Grade Reconfiguration Briefing Schedule

All – After Sam sent this out we noticed the schedule had overlooked including an opportunity for all parties to file an objection not previously raised, to any aspect of the R&R new to the discussion and adverse to their previously expressed position, citing the reasons for the objection. Although there shouldn't be anything in the R&R the parties have not seen previously, there could be. Accordingly, this provides the parties a last and simultaneous opportunity to make sure the court has everything before it.

Accordingly, I have modified the schedule a bit in red below to provide all parties a simultaneous opportunity to file post-R&R objections within 5 business days of the R&R being filed with the court. This should not prolong the process much at all and will provide everyone the same opportunity to comment on anything new.

Please let us know if this is agreeable and I apologize for any confusion. Thanks,

Bill

J. William Brammer, Jr.

Rusing Lopez & Lizardi, P.L.L.C.

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---

**From:** Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]  
**Sent:** Thursday, October 29, 2015 6:06 PM  
**To:** 'Juan Rodriguez' <[jrodriguez@MALDEF.org](mailto:jrodriguez@MALDEF.org)>; Rubin Salter, Jr. <[rsjr3@aol.com](mailto:rsjr3@aol.com)>; [James.Eichner@usdoj.gov](mailto:James.Eichner@usdoj.gov); Willis D. Hawley <[wdh@umd.edu](mailto:wdh@umd.edu)>; [lthompson@proskauer.com](mailto:lthompson@proskauer.com); [Shaheena.Simons@usdoj.gov](mailto:Shaheena.Simons@usdoj.gov); [Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov); [Brammer@rllaz.com](mailto:Brammer@rllaz.com)  
**Cc:** Tolleson, Julie <[Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)>; Taylor, Martha <[Martha.Taylor@tusd1.org](mailto:Martha.Taylor@tusd1.org)>; Desegregation <[deseg@tusd1.org](mailto:deseg@tusd1.org)>; [TUSD@rllaz.com](mailto:TUSD@rllaz.com)  
**Subject:** RE: Request for Agreement on Grade Reconfiguration Briefing Schedule

Rubin/Juan: thanks for your responses. The current proposal (with a 20-day Plaintiff objection period) would mean that Dr. Hawley would likely be submitting his recommendation to the Court right before xmas. We hope that once you review the NARAs (if approved by our Board and filed) you will have a better sense of the extent to which they include new material and – within reason – submit objections in a timely manner. Thanks, Sam

**All: Please confirm agreement with the following timeline:**

- Parties have 20 days from the filing date of the Notice and Request for Approval to file any Objection made to the Special Master with the Court.
- Within 20 days of the filing date of an Objection, the District may file a Response with the Court, simultaneously, with its presentation to the Special Master.
- After receipt of the Response, the SM has 10 days to file an R&R with the Court regarding the Notice and Request for Approval with a request for an expedited ruling within thirty days.
- **Within five business days of the filing of the R&R any party may file an objection not previously raised, to any aspect of the R&R new to the discussion and adverse to its previously expressed position, supported by the reasons for the objection.**
- **Thereafter, the Court shall consider the matter fully briefed and ready for disposition.**