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Attorneys for Mendoza Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,
Plaintiffs,
v.
United States of America,
Plaintiff-Intervenors,
v.
Anita Lohr, et al.,
Defendants,
Sidney L. Sutton, et al.,
Defendant-Intervenors,

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

**MENDOZA PLAINTIFFS' MOTION TO
STRIKE TUSD'S RESPONSE TO THE
MENDOZA PLAINTIFFS'
OBJECTIONS TO THE SPECIAL
MASTER'S REPORT REGARDING
THE IMPLEMENTATION OF
CULTURALLY RELEVANT COURSES**

ACTION REQUIRED

Hon. David C. Bury

1 Maria Mendoza, et al.,

Case No. CV 74-204 TUC DCB

2 Plaintiffs,

3 United States of America,

4 Plaintiff-Intervenor,

5 v.

6 Tucson United School District No. One, et al.,

7 Defendants.

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10 The Special Master filed his Report on Mendoza Plaintiffs' Request for Finding of
11 Noncompliance by TUSD Regarding the Implementation of Culturally Relevant Courses
12 (Doc. 1925) ("CRCs Report") on April, 20, 2016. On May 11, 2016, Mendoza Plaintiffs
13 filed their Objection to the CRCs Report (Doc. 1932) under Federal Rule of Civil
14 Procedure 53(f)(2). On June 2, 2016, the District filed its Response to the Mendoza
15 Plaintiffs' Objection to the CRCs Report (Doc. 1938) ("TUSD Response").
16

17 Under LRCiv 7.2, in relevant part, "a motion to strike may be filed... if it seeks to
18 strike any part of a filing or submission on the ground that it is prohibited (or not
19 authorized) by a statute, rule, or court order." Federal Rule of Civil Procedure 53(f)(2)
20 authorizes a party to object to a Master's "order, report, or recommendation." It does not,
21 however, authorize responses to such objections. (*See* F. R. CIV. P. 53(f)(2).) The TUSD
22 Reponse is such a response and therefore is not authorized. Mendoza Plaintiffs therefore
23
24 respectfully request that this Court strike the TUSD Response.
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Respectfully submitted,

Dated: June 9, 2016

MALDEF
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/s/ Juan Rodriguez
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/s/ Lois D. Thompson
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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2016, I electronically submitted the foregoing MENDOZA PLAINTIFFS' MOTION TO STRIKE TUSD'S RESPONSE TO THE MENDOZA PLAINTIFFS' OBJECTIONS TO THE SPECIAL MASTER'S REPORT REGARDING THE IMPLEMENTATION OF CULTURALLY RELEVANT COURSES; PROPOSED ORDER to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: June 9, 2016

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Marco Gomez