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*Tucson Unified School District No. 1*

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 Roy and Josie Fisher, et al.,  
15 Plaintiffs,  
16 v.  
17 Tucson Unified School District No. 1, et al.,  
18 Defendants.

4:74-cv-0090-DCB  
(Lead Case)

19 Maria Mendoza, et al.,  
20 Plaintiffs,  
21 v.  
22 Tucson Unified School District No. 1, et al.,  
23 Defendants.

4:74-cv-0204 TUC DCB  
(Consolidated Case)

24 **STIPULATION TO AMEND SCHEDULING ORDER**  
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1 The Court recently amended a prior scheduling order, to add a provision for the  
2 filing of a Supplemental Petition for Unitary Status by the District. [ECF 2285, dated  
3 September 23, 2019.] However, in the intervening period since the original scheduling  
4 order was entered (ECF 2243, dated July 26, 2019), the parties had filed certain  
5 documents, and the Court had entered subsequent orders (ECF 2271 and 2273) which  
6 modified certain other provisions of the original scheduling order.

7 The parties and the Special Master, in order to clarify the schedule in light of the  
8 Court's multiple orders and to set forth in one document the full schedule relating to the  
9 filings addressed in those orders, thus stipulate and jointly request that the Court enter a  
10 Second Amended Scheduling order, which reflects the intervening filings and orders  
11 subsequent to its July 26 order.<sup>1</sup> The proposed Second Amended Scheduling Order  
12 provides as follows:

13 **A. First Benchmark Filings.**

- 14 1. The District's responses to the Court's most recent order regarding certain  
15 First Benchmark filings (ECF 2273, dated September 10, 2019) are due by  
16 October 10, 2019.
- 17 2. Plaintiffs' objections are due 14 days after the responses are filed.
- 18 3. The District's responses to the objections are due seven days after the  
19 Plaintiffs' objections are filed.
- 20 4. The Special Master's Report and Recommendation on any remaining First  
21 Benchmark filings is due 14 days after the District's responses are filed.
- 22 5. No further briefing will be permitted without leave of the Court.

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24 <sup>1</sup> The parties have reached this stipulation in order to clarify the schedule. This  
25 stipulation is made without waiver or other prejudice to any party's objections,  
26 procedural or substantive, to the matters addressed in the stipulation.

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**B. Second Benchmark Filings.**

1. The District’s responses to the Plaintiffs’ objections are due by October 7, 2019.
2. The Special Master’s Report and Recommendation on the Second Benchmark filings is due 21 days after the District’s responses are filed.
3. No further briefing will be permitted without leave of Court.

**C. Additional Supplemental Filings.**

1. All additional supplemental filings, inclusive of but not limited to the ELL Plan Supplemental Notice of Compliance addressed in ECF 2273, shall follow the previously established schedule:
2. Plaintiffs’ Supplemental Responses/Objections due 14 days after the filing of the Notice of Compliance.
3. The District’s Responses to the Plaintiffs’ Responses/Objections are due 7 days thereafter.
4. The Special Master’s Report and Recommendation is due 14 days after the filing of the District’s Responses.

**D. Consideration of Unitary Status.**

1. The District shall file the Executive Summary referenced in the Court’s previous orders (ECF 2213 and 2217) on or before December 1, 2019.
2. The District shall file a Supplemental Petition for Unitary Status within 30 days after the Executive Summary is filed.
3. Plaintiffs shall have 30 days to file Responses/Objections to the Supplemental Petition for Unitary Status and the Executive Summary.
4. The District shall have 14 days to reply.
5. Thereafter, the Special Master shall have 30 days to file a Report and Recommendation.

1 6. All parties may file Replies/Objections to the R&R within 14 days of the  
2 filing of the Special Master’s Report and Recommendation.

3 This stipulation does not address pending matters relating to the budget, which are  
4 governed by the Court’s budget order (ECF 2272) and any subsequent orders related  
5 thereto.

6 Dated this 27<sup>th</sup> day of September, 2019.

7 */s/ Willis D. Hawley (with permission)*  
8 Willis D. Hawley  
9 Special Master  
  
10 */s/ Rubin Salter, Jr. (with permission)*  
11 Rubin Salter, Jr.  
12 Kristian H. Salter  
**LAW OFFICE OF RUBIN SALTER JR.**  
Attorneys for Fisher Plaintiffs  
  
13 */s/ Lois D. Thompson (with permission)*  
14 Lois D. Thompson  
15 Jennifer L. Roche  
**PROSKAUER ROSE LLP**  
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16 **ERIC S. DREIBAND**  
17 Assistant Attorney General  
18 Civil Rights Division  
*/s/ Peter W. Beauchamp (with permission)*  
19 SHAHEENA SIMONS, Chief  
20 JAMES EICHNER  
21 PETER W. BEAUCHAMP  
22 Educational Opportunities Section  
23 Civil Rights Division  
24 U.S. Department of Justice  
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*/s/ P. Bruce Converse* \_\_\_\_\_  
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*District No. 1*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of September, 2019, I electronically transmitted the attached *Stipulation to Amend Scheduling Order* to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to all CM/ECF registrants.

/s/ P. Bruce Converse