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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

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

Maria Mendoza, et al.,
Plaintiffs,
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District No. One, et al.,
Defendants.

CV 74-90 TUC DCB
(lead case)

ORDER

CV 74-204 TUC DCB
(consolidated case)

1 Pursuant to this Court's Order filed September 24, 2012, the Parties engaged in
2 intense negotiations, resulting in a proposed Consent Decree that will reflect the agreement
3 of all Parties to numerous *Green* and ancillary factors, with only a few areas of disagreement
4 or objections anticipated. Therefore, it is no longer necessary for the Special Master to
5 prepare a draft of the proposed Consent Decree and release it to the Parties by November 1,
6 2013. Instead the Parties plan to prepare the Consent Decree, but request they be allowed
7 to complete the draft by November 5 because of hurricane Sandy, which has affected the east
8 coast where the Department of Justice and the Special Master reside. The Parties have,
9 therefore, stipulated to a slight modification of the September 24, 2012, Order, which does
10 not affect the dates set therein. The Court finds good cause for modifying the September 24,
11 2012, Order.

12 **Accordingly,**

13 **IT IS ORDERED** that the Stipulation Regarding the Filing of Objections to the
14 Proposed Consent Decree (Doc. 1404) is APPROVED.

15 **IT IS FURTHER ORDERED** that the Parties shall prepare the final version of the
16 proposed Consent Decree–Unitary Status Plan (USP) for review by **November 5, 2012**.

17 **IT IS FURTHER ORDERED** the Parties shall simultaneously identify all areas of
18 objection, and where appropriate include alternate language or provisions proposed, either
19 directly in the Consent Decree or in a single Joint Objection.

20 **IT IS FURTHER ORDERED** that the Consent Decree-USP and the Joint
21 Objection shall be translated into Spanish before being released to the public and filed with
22 the Court.

23 **IT IS FURTHER ORDERED** that on **November 9, 2012**, the Consent Decree-USP
24 and the Joint Objection shall be filed with the Court in English and Spanish and
25 simultaneously released to the public.

1 **IT IS FURTHER ORDERED** that when the Consent Decree and/or Joint Objection
2 are filed with the Court and released to the public, the Parties will file legal memoranda with
3 the Court setting forth the legal and factual basis for any objections raised in the Consent
4 Decree and/or the Joint Objection.

5 **IT IS FURTHER ORDERED** that by **November 28, 2012**, the State by *amici* may
6 file any Objection in respect to the issue of Mexican American Studies Department courses,
7 if any such component is included in the USP.

8 **IT IS FURTHER ORDERED** that all documents, drafts, communications and
9 negotiations contemplated herein related to the filing of the USP shall remain privileged and
10 confidential and shall not be shared outside the Parties. The confidentiality provision
11 referenced in the Court’s July 13, 2012 Order (Doc. 1377) shall be extended to **November**
12 **9, 2012**.

13 **IT IS FURTHER ORDERED** that the USP shall be made available for public
14 review and comment at each school and on-line, with public hearings to be between
15 **November 26-28, 2012**. The public comment period shall close **November 28, 2012**, and
16 the Special Master shall make all public comments available for review by the Parties and
17 the State, upon request, with the identity of the person making the comment being
18 confidential.

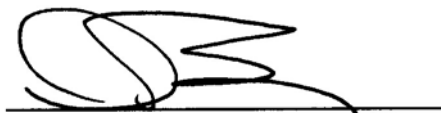
19 **IT IS FURTHER ORDERED** that by **December 10, 2012**, the revised USP shall
20 be filed with the Court, identifying changes, if any are made pursuant to the public comment
21 process.

22 **IT IS FURTHER ORDERED** that by **December 14, 2012**, the Parties and the State
23 shall file Responses to any Objection and any change made to the USP pursuant to the public
24 comment process. There shall be no Replies, but the Special Master shall file a final
25 recommendation with the Court within 10 days of receiving the Responses.
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1 **IT IS FURTHER ORDERED** that there SHALL BE NO FURTHER
2 EXTENSIONS OF TIME. Following expiration of the time for the Special Master’s final
3 recommendation, the matter will be taken under advisement, and the Court will rule without
4 oral argument to adopt the USP to be implemented in the TUSD. The Court reserves its
5 discretion to set oral argument *sua sponte* in the event oral argument would be of assistance
6 to the Court.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this
8 Order to Kevin D. Ray, representing the State of Arizona, at the Office of the Attorney
9 General, Education and Health Section - Health Unit, 1275 W. Washington St., Phoenix AZ
10 85007-2926.

11 DATED this 31st day of October, 2012.

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15 David C. Bury
 United States District Judge